

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1992

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 4, 1992



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WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**REGULAR SESSION
25th Day**

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TWENTY-FIFTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, April 23, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Harold Hermetz, St. Paul's Lutheran Church, Cullman, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Donna Lee, Charles Henderson Middle School, Troy, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

**MOTION TO SUSPEND RULES AND ADOPT REPORT OF
THE STANDING COMMITTEE ON RULES**

Representative Ford offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-fourth legislative day and to adopt the Report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Representative Laird called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Ford to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-fourth legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 52; Nays 24.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Collins, Dolbare, Ford, Fuller, Gaston, Gullatt, Hall, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Holley, Hooper, Johnson, Kennedy, Lindsey, Mathis, McDowell, Millican, Morrow, Penry, Petelos, Poole, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Warren, White, Williams and Zoghby.

Nay:

Representatives Biddle, Blakeney, Crow, Cullins, Drake, Goodwin, Hamilton, Haney, Hill, Knight, Laird, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Rich, Richardson, Sanderford, Smith (R), Walker and Willis.

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READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the twenty-fourth legislative day, and the reading commenced.

REPORT OF THE STANDING COMMITTEE ON RULES ADOPTED

The reading at length of the Journal of the House of Representatives for the twenty-fourth legislative day having been completed, and on motion of Representative Ford, the Report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fourth legislative day was approved.

LEAVES OF ABSENCE

At the request of Representative McDowell, leave of absence was granted for Representative Rogers (J).

Also:

At the request of Representative Poole, leave of absence was granted for Representative Parker (T).

Also:

At the request of Representative Cagle, leave of absence was granted for Representative Hogan.

REPORT FILED

Pursuant to Act No. 248, Representative Frank P. White, Chairman, and Senator Mac Parsons, Vice-Chairperson, submitted the Report of the Joint Prison Committee, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 408. Relating to Lauderdale County; exempting senior citizen centers and community centers which primarily sponsor senior citizens' activities from all county and municipal ad valorem taxes.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 647. Relating to Washington County; to change the composition of the Washington County Commission; to provide that the Washington County Commission shall consist of five members elected from five single-member districts; to provide that the Probate Judge of Washington County shall serve as the ex-officio non-voting Chair of the commission and shall preside at all meetings thereof; to provide for the terms of the members of the commission; to require that the members of the commission shall reside within the boundaries of the single-member district he or she is elected to represent; and to repeal all conflicting laws.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 211. DESIGNATING THE CITY OF ATMORE AS THE OFFICIAL "ALABAMA RAIL WELCOME CENTER" FOR THE STATE OF ALABAMA.

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Also:

**H.J.R. 291. COMMENDING MARTHA LEE TUMLIN OF ETOWAH
COUNTY AS NATIONAL DISTINGUISHED PRINCIPAL.**

**MCDOWELL LEE
Secretary**

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 23. Creating the Impaired Drivers Trust Fund in the state treasury to provide rehabilitative services to residents of the state with certain types of injuries.

S. 118. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, and 40-12-300, of the Code of Alabama 1975, relating to motor vehicle registration and license tags and placards of handicapped persons; and to establish license fees.

H. 511. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Incorporated (commonly known as the Freedom Forum) for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

H. 621. To amend Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, to increase the creditable service allowable and authorize credit or either public education service or public service in other states.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 658. (With Substitute) (With Amendment): To amend Section 16-13-52.1, subsection 2(b), Code of Alabama 1975, relating to teacher units employed by local school boards from local funds, to permit local boards of education to reduce the number of teacher units employed from local funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 690. Relating to motor vehicle licensing, registration, and taxation; to authorize the establishment of a voluntary County On-Line Operational Registration System to expedite updating motor vehicle registration on the state computer database; to amend Sections 32-6-61, 32-6-63, 32-6-65, 40-12-240, 40-12-242, 40-12-248, 40-12-253, 40-12-258, 40-12-260, 40-12-261, 40-12-262, 40-12-264, 40-12-265, 40-12-269, 40-12-271, and 40-12-272 of the Code of Alabama 1975 relating to the staggered registration system; license decals and license plates; late registration of a motor vehicle and operating a motor vehicle without a current license plate; definitions; acquiring tags; special registration for wreckers; sending registration receipts if the data is transferred electronically; penalties and fees; special training fund; criminal sanctions for operating motor vehicles without license plates or with license plates from other jurisdictions when Alabama registrations are required; dealer tag fees; maximum number of dealer tags; motor vehicle manufacturers' plates; fines for misuse of a dealer or a manufacturer tag; the cost of replacement tags; sanctions for failure to comply with Department of Revenue requirements in computing ad valorem taxes and failure to submit registration information in conjunction with the County On-Line Operational Registration System; fees received by county officials; assessment and collection of ad valorem taxes on motor vehicles; Commissioner of Revenue's authority to promulgate rules and regulations in Chapter 12 of Title 40 of the Code of Alabama 1975; to authorize the funding of the County On-Line Operational Registration System and appropriate revenue for the administration of the system; to repeal Sections 32-6-67, 32-6-72, 32-6-92, 40-12-259, 40-12-267, and 40-12-295 in their entirety; and to provide effective dates for the various sections and subsections.

H. 709. To propose an amendment to the Constitution of Alabama of 1901, authorizing counties to voluntarily institute and establish a one-stop payment/issuing motor vehicle registration office for the collection of assessed ad valorem taxes, license taxes, and other motor vehicle registration and license fees; to provide for a voluntary referendum in a county; and to provide for certain retroactive effect.

The above bill was read a second time at length as required by the Constitution.

H. 833. To make a supplemental appropriation of up to \$26,220,000 from the Public Road and Bridge Fund to the State Highway Department for fiscal year 1991-92 for Federal Aid Matching \$25,220,000 and State Maintenance \$1,000,000.

S. 13. Increasing benefits provided under the Peace Officers' Annuity and Benefit Fund by amending Section 36-21-70 of the Code of Alabama 1975,

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retroactive to October 1, 1991.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 456. (With Amendment): To amend §8-17-91 by changing the amount of proceeds received by the Department of Agriculture and Industries from \$175,000 per month to 8 percent per month.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 190. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1991 Regular and First Special Sessions of the Legislature, as contained in the 1991 Cumulative Supplement to certain volumes of the Code and in the 1991 Replacement Volumes 18, 19, 19A, 22, and 22A of the Code; and to make corrections in certain volumes of the cumulative supplement and the 1991 Replacement Volume 18.

H. 338. Relating to the manner and location of execution of persons convicted of a capital offense to provide for execution of the death sentence by lethal injection.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 111. (With Amendment): To provide further for the administration, powers, and duties of the Legislative Reference Service by amending Sections 29-7-2, 29-7-4, 29-7-5, and 29-7-6 and repealing Section 29-7-3 of the Code of Alabama 1975.

H. 436. (With Amendment): To amend the Alabama Juvenile Justice Act, Sections 12-15-1, 12-15-65 and 12-15-71, Code of Alabama 1975, so as to further define the term "multiple needs child"; to allow the court to refer a child to the county children's services facilitation team for evaluation prior to adjudication as a multiple needs child; and to establish procedures for adjudicating a child a "multiple needs child". Further to create a state children's services facilitation team and establish county children's services facilitation teams in each county, to provide for membership on those teams, to delineate the duties of the teams, to provide a time frame for presenting a preliminary and a final service plan; and to place responsibility on member agencies for implementation of any court-ordered

service plan. To establish the executive council for the state children's services facilitation team with policy-making authority. To establish a multiple needs child fund and make appropriations from the state general fund and the special educational trust fund to this fund for the fiscal year ending September 30, 1993.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 457. To provide a voluntary checkoff designation on state income tax returns for contributions to the Foster Care Trust Fund.

H. 798. Regulating further the manufacture and sale of alcoholic beverages; providing for the licensing of microbreweries and the exemption of microbreweries from the required separation of financial and business interests between classes of business regulated by the alcoholic beverage control laws.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 754. (With Amendments): Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 755. (With Amendment): To protect and preserve the property rights and interests of an absent, incapacitated, or missing owner of property under the provisions of Article 2 (commencing with Section 35-12-20) of Chapter 12 of Title 35 of the Code of Alabama 1975, and of those persons claiming for them, and to provide civil penalties for those who violate those rights and interests.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 741. To amend Sections 27-2-21 to 27-2-25, inclusive, 27-2-27, and 27-2-31, Code of Alabama 1975, relating to examinations of insurers by the Commissioner of Insurance to make the Alabama law substantially similar to the model law on examinations as adopted by the National Association of Insurance Commissioners.

H. 749. To amend Section 27-29-5 of the Code of Alabama 1975, relating to insurance companies that are members of an insurance holding company system, to further provide for extraordinary dividends or distributions to shareholders.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 251. (With Substitute): To amend Sections 34-9-8, 34-9-16, 34-9-40, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975; to increase certain fees related to the practice of dentistry and dental hygiene; to provide for nominations for election to the Board of Dental Examiners; to require the Board of Dental Examiners to publish a list of licensees at certain times; and to provide for the issuance of permits for the practice of parenteral sedation.

H. 353. (With Substitute): To amend Section 34-9-40, Code of Alabama 1975, relating to the composition of the Board of Dental Examiners, to provide further for the nominees and election of members commencing in 1993 and every fifth year thereafter; and to provide for an effective date.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 321. To revise and supplement the existing statewide system for registering certain vital records and statistical data; to provide further for an Office of Vital Statistics, a State Registrar of Vital Statistics, and local registration districts and local registrars; to provide for additional registration procedures and requirements regarding certain types of births, deaths, final dispositions, adoptions, marriages, and divorces; to provide procedures for amending vital records, disclosing information from vital records, and reproducing, searching, and copying vital records; to provide for the collection of fees for certain services; to provide for enforcement and penalties for violations; to provide for existing forms and application to existing records; and to repeal Sections 22-9-1 to 22-9-79, inclusive, Code of Alabama 1975.

H. 794. To require the various insurance organizations providing protection, indemnity, or insurance against hospital, medical, or surgical expenses, or health

maintenance organizations to include mammography coverage for females in policies or contracts issued.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 823. (With Amendment): To amend Section 9-12-123, Code of Alabama 1975, which relates to licenses for the use of gill nets, so as to decrease the fees for such licenses.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 781. To amend Section 9-12-113, Code of Alabama 1975, relating to the license for saltwater commercial hook and line fishing and saltwater net or seine fishing, so as to delete certain language in the definition of "nonresident"; to specifically provide that the licenses provided for in this section shall be issued on an individual basis only; and to provide for the confiscation, holding, and forfeiture of boats, motors, and fishing gear of persons fishing nets and seines illegally.

H. 837. To provide for certain agricultural aircraft, permitted by the Alabama Department of Aeronautics, to use certain county or municipal roads for landing and taking-off for crop dusting operations; to authorize the county and municipal governing bodies to adopt rules and regulations pertaining to the use of county or municipal roads by certain aircraft for crop dusting purposes; to provide for safety procedures for roads designated for agricultural aircraft or aircraft for crop dusting; to exempt the respective county or municipal governing bodies, boards, commissions, or other authority or political subdivision from liability for any personal injuries or damages as a result of the operation of any agricultural aircraft on or from any designated roads for crop dusting.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 200. To amend Sections 17-10-12 and 17-16-11 of the Code of Alabama 1975, relating to primary elections and absentee balloting, to shorten the time period for the delivery of absentee ballots, the filing of declarations of candidacy, and for the certification of candidates for the 1992 election cycle only.

S. 336. To amend Section 21-4-22 of the Code of Alabama 1975, to require that certain guidelines to assure accessibility of registration and polling places for handicapped and elderly individuals apply at all elections.

H. 571. To amend Section 17-4-153 of the Code of Alabama 1975, which relates to compensation paid members of boards of registrars, so as to alter the amount paid as a mileage allowance and to provide for reimbursement of expenses incurred in attending to business of the board.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 598. (With Substitute): To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 581. (With Amendments): To authorize the creation and incorporation of the Public Gas Authority of Alabama as a public corporation of the State of Alabama; to authorize the authority to acquire, construct, improve, equip, alter, repair, operate, and maintain projects and systems embracing the acquisition, production, storage, treatment, liquefaction, vaporization, transmission, purchase, sale, exchange or interchange of gas and to acquire, construct, and equip all property and things necessary or convenient for the purposes of such projects and systems and the acquisition, construction, maintenance, and operation of projects and systems; to authorize the authority and certain municipal and public corporations which own gas distribution systems to execute contracts for the use of the authority's projects and systems and the services thereof and for the purchase of gas therefrom for resale through the gas distribution systems owned by the municipal and public corporations in this state and to enforce the performance thereof; to authorize the authority to issue its bonds, bond anticipation notes, and notes payable from the revenues and assets of the authority in order to provide funds sufficient to carry out any of its corporate purposes and powers; to specify the extent of review and regulation by the Alabama Public Service Commission concerning the authority; to exempt the authority from the operation of the Alabama Sunset Law of 1976 and from the competitive bid laws; to provide an effective date; and to provide for the repeal of conflicting laws.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 782. (With Amendment): Relating to public health in this state; to prohibit smoking in a public place or at a meeting of a public body, except in a designated smoking area; and to prescribe penalties for violations.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 351. To amend Section 11-50-342 of the Code of Alabama 1975, relating to the membership of the board of water and sewer commissioners so as to provide further for an increase in said membership.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 840. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

H. 841. To propose an amendment to the Constitution of Alabama of 1901, and to authorize the County Commission of Geneva County to levy and collect certain additional property taxes for the maintenance of the jail and courthouse.

The above bill was read a second time at length as required by the Constitution.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 845. (With Amendment): Relating to Chambers County; creating the Chambers County Economic Progress and Community Investment Trust Fund and an advisory committee to assist the county commission in administering it, authorizing the county commission to levy an additional ad valorem tax, providing for a referendum, and an expiration date.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

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following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 846. Relating to Hale County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

H. 847. To amend Section 1 of Act No. 91-783, H. 14, 1991 First Special Session, to extend the effective date of a tobacco tax levied in Hale County.

H. 848. Relating to Russell County; authorizing the county commission, upon a request from the governing bodies of the Cities of Phenix City and Hartsboro, to levy an additional ad valorem tax and providing for a referendum.

H. 849. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

H. 851. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

H. 853. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

H. 854. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

H. 855. Relating to Chilton County; to amend Section 3 of Act No. 87-176, H. 435, 1987 Regular Session (Acts 1987, p. 237), which levies an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of the tax, and to provide for a referendum.

H. 856. Relating to Baldwin County; abolishing the office of constable; transferring assets; and providing for an effective date.

H. 857. Relating to Baldwin County; amending Act No. 88-613, H. 1046, 1988 Regular Session, which relates to the compensation of members of the board of equalization.

H. 859. Relating to Coosa County; to provide that the Coosa County Commission may establish and adopt voting centers by resolution.

H. 860. Relating to Coosa County, to provide for the selling and redeeming lands for taxes.

H. 863. Relating to Lee County; to provide that a motor vehicle left unattended on private property posted in accordance with this act without the express or implied permission of the owner or lessee of the property shall be considered an abandoned motor vehicle and may be towed or wheel locked.

H. 864. Providing for a certain additional recording fee for certain documents filed for record in the office of the Judge of Probate of Marshall County; and to provide for distribution and use of the proceeds from the additional fees.

H. 865. Relating to Lee County; amending Act No. 91-613, H. 1078, 1991 Regular Session, relating to a rock and gravel tax, to limit the amount of the tax.

Representative Petelos, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 820. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

H. 867. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits and also certain other territory in Jefferson County, Alabama.

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 850. Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for such governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the city facilities for parking motor vehicles; to empower the authority to lease such facilities to or from others; to grant the authority other powers incidental to the powers above enumerated, including the power of eminent domain; to authorize the city to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the authority and the mortgage of any property of the authority; to provide that such pledge and mortgage may be provided for in an indenture by the

authority and a trustee, or by resolution providing for the issuance of the bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the authority is situated; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county, city, or town of this state to invest in bonds of the authority; to provide that such bonds shall be legal investments for fiduciaries, savings banks, and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after such publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such authority and the disposition of its property.

H. 852. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

H. 858. Requiring the Mobile County Commission to provide certain compensation to any circuit judge in the 13th Judicial Circuit who is entitled to purchase any prior service credit in the Judicial Retirement Fund under Section 12-18-8.2 of the Code of Alabama 1975.

H. 829. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

H. 830. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 625. (With Amendment): Relating to Mobile County; to alter and rearrange the boundaries of the municipalities of Mobile and Saraland, so as to

take certain land out of Mobile and place it in Saraland.

Representative Poole, Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 844. (With Amendment): Relating to Tuscaloosa County; to amend Section 8 of Act No. 357, S. 468, 1949 Regular Session (Acts 1949, p. 524), to provide for filling vacancies in offices and departments under the civil service system of Tuscaloosa County.

Representative Poole, Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 866. Relating to Tuscaloosa County; amending Section 3 of Act No. 323, H. 514, 1975 Regular Session, to provide for the minimum number of deputies sheriff authorized in the county.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 408. Relating to Lauderdale County; exempting senior citizen centers and community centers which primarily sponsor senior citizens' activities from all county and municipal ad valorem taxes.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 647. Relating to Washington County; to change the composition of the Washington County Commission; to provide that the Washington County Commission shall consist of five members elected from five single-member districts; to provide that the Probate Judge of Washington County shall serve as the ex-officio non-voting Chair of the commission and shall preside at all meetings thereof; to provide for the terms of the members of the commission; to require that the members of the commission shall reside within the boundaries of the single-member district he or she is elected to represent; and to repeal all conflicting laws.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Buskey (JE) (With Notice and Proof):

H. 869. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (C):

H. 870. To authorize any municipality which has established zoning and zoning regulations within its corporate limits to zone and divide the territory in its police jurisdiction into similar zones and districts as are established within its corporate limits; to authorize and permit any such municipality to regulate zoning in its police jurisdiction in the same manner and under the same controls and statutory authority as is done within the corporate limits; to establish an effective date.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Newton (C):

H. 871. To provide an additional alternative procedure for incorporated municipalities to incorporate into their boundaries certain contiguous unincorporated territory upon petition of landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Haynes:

H. 872. To amend Section 22-11A-17, Code of Alabama 1975, relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

COMMITTEE ON HEALTH

By Representative Penry:

H. 873. Relating to the registration and numbering of vessels and to provide further for the registration requiring the payment and collection of sales and use taxes through the office of the judge of probate, or other authorized officer, and amending Section 33-5-11 of the Code of Alabama 1975, therefor, providing for the levy and collection of sales and use taxes on motor boats by the Department of Revenue, and further amending Sections 40-23-1 and 40-23-60 of the Code of Alabama 1975 therefor; and providing an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Butler, Warren, White, Blakeney, Dolbare, and Cullins:

H. 874. To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the

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certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of the Legislature.

**COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH**

By Representatives Cagle and Rogers (F):

H. 875. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrow, Curry, Haynes, and Hill:

H. 876. To amend Section 20-2-93, Code of Alabama 1975, relating to the sale of property seized during violations of the Alabama Uniform Controlled Substances Act, to impose an assessment of 10 percent of the proceeds received from the sale and to distribute the proceeds from the assessment.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 877. Amending Section 36-22-16 of the Code of Alabama 1975, relating to the compensation of sheriffs.

COMMITTEE ON WAYS AND MEANS

By Representatives Black (M) and Goodwin (With Notice and Proof):

H. 878. Relating to Colbert County, providing further for the compensation of the sheriff.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Newton (C):

H. 879. To provide further for length restrictions on vehicles, trucks, trailers, semi-trailers, or combination thereof, transporting laminated wood building materials, and amending Section 32-9-25 therefor.

COMMITTEE ON HIGHWAY SAFETY

By Representative Johnson (With Notice and Proof):

H. 880. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 605. To amend Sections 12-19-71, 12-19-72, 12-19-171, 12-19-172, 12-19-174, 12-19-175, 12-19-176, 12-19-178, and 12-19-179, Code of Alabama 1975, to increase the fees and costs in circuit and district courts; to further provide for the distribution of fees and costs in circuit and district courts so as to enhance that portion of the fees and costs that is distributed to the state general fund; to make supplemental appropriations for the fiscal year ending September 30, 1992; to make appropriations for the fiscal year ending September 30, 1993; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representative Parker (P):

H.J.R. 313. COMMENDING JASPER JONES OF EVA, ALABAMA, ON HIS RETIREMENT.

WHEREAS, Jasper Jones of Eva, Alabama, retires on June 30, 1992, following a 33-year career in education; and

WHEREAS, twenty-five of Mr. Jones' 33 years were in service to Eva High School and Junior High School; the last 17 years as principal for Eva Junior High School; and

WHEREAS, Mr. Jones received his B.S. degree in Education from Mississippi State University in 1959, his Master's Degree in Education from Arkansas State in 1964, and his AA Certificate in Education from the University of Alabama in Birmingham in 1978; and

WHEREAS, hundreds, if not thousands, of students, teachers, administrators, parents, and associates in the education community have benefited from his wisdom, dedication, service, and example over the past three decades; and

WHEREAS, this kind and able administrator will be sorely missed in the Eva community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. Jasper Jones on his distinguished career in education and wish him the best upon his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jones in recognition of his accomplishments.

On motion of Representative Parker (P), the rules were suspended and the resolution, H.J.R. 313, was adopted.

Also:

By Representative Rogers (F):

H.J.R. 314. DESIGNATING "FOUNDERS DAY 1992" IN THE CITY OF ADAMSVILLE.

WHEREAS, the settlers who homesteaded in Adamsville, Alabama, to raise their families earned their wages by crawling on their knees and bellies to shovel coal from deep in the heart of the earth beneath Adamsville; and

WHEREAS, the backs of these coal miners were strong, but from the many burdens placed upon them, the miners soon developed stooped shoulders, aching arthritic joints, wheezing obstructed lungs, and often died in the early years of life; and

WHEREAS, the bodies of these proud workmen may have stumbled and ached, due to deplorable working conditions and abuse, but they remained undaunted in their resolve to fulfill their roles as good parents, good neighbors and good citizens, and through their efforts, the standard of living for all Americans has been raised; and

WHEREAS, it is the desire of the Adamsville city government, and the citizens of Adamsville, that these dedicated men and women be honored for their untiring efforts and contributions on behalf of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate May 2, 1992, as "Founders Day 1992" in the city of Adamsville, Alabama, in tribute to the men and women of the United Mine Workers of America, District 20.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for the Honorable Leland C. Adams, Mayor of the City of Adamsville.

On motion of Representative Rogers (F), the rules were suspended and the resolution, H.J.R. 314, was adopted.

Also:

By Representative McKee:

H.J.R. 315. COMMENDING MONTGOMERY DIVISION OF WINN-DIXIE, INC.

WHEREAS, the Montgomery Division of Winn-Dixie, Inc. operates 115 stores in Alabama, Florida, Mississippi, and Georgia, employing over 8,000 associates, 600 of which are located at the Montgomery Distribution Center, and

WHEREAS, the Montgomery Division has been named the company's Safe Driving Award winners for 1991, and

WHEREAS, the Montgomery Division won this honor in competition with 11 other company divisions, delivering 465,697 tons of groceries and driving over 7,751,000 miles with only .77 accidents per million miles driven, and

WHEREAS, there are 154 drivers and 31 mechanics in the Montgomery Division whose teamwork made this outstanding record possible; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Montgomery Division of Winn-Dixie for their outstanding achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Montgomery Winn-Dixie Office as a token of our appreciation.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 315, was adopted.

Yeas 26; Nays 4.

Yea:

Mr. Speaker, Beasley, Blakeney, Buskey (JL), Collins, Crow, Escott-Russell, Gaston, Gullatt, Haney, Hawkins, Kvalheim, McDaniel, McDowell, McKee, McMillan, Mikell, Parker (P), Penry, Petelos, Rich, Richardson, Sanderford, Smith (R), Willis and Zoghby.

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Nay:

Representatives Campbell, Ford, Hall and Smith (C).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

By Representative McKee:

H.J.R. 316. COMMENDING THE ROBERT E. LEE HIGH SCHOOL GENERALS ON THE 1991 STATE 6A FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great pride that the Alabama Legislature congratulates Robert E. Lee High School of Montgomery as the 1991 State 6A Football Champions of Alabama; and

WHEREAS, in defeating Central High School by the score of 14-7 in the finals, the Generals claimed their 9th State Football Championship since 1957; and

WHEREAS, as we enumerate the Generals' laurels, we further note such outstanding accomplishments as their 1991 season record of 13-1 with the only loss coming on the road, early in the season, to a powerful Valdosta, Georgia, team that is traditionally recognized among the nation's best high school football programs; and

WHEREAS, under the brilliant leadership and direction of Head Coach Spence McCracken and his able staff consisting of Jim Arrington, Hal Birchfield, Wayland Blake, Robert Hudson, Ron McCall, Mike Pearson, Jimmy Perry, Tom Pinkston, Charlie Runnels, Jim Tuley, and Rick Wade, the Robert E. Lee Generals

are indeed a power to be reckoned with and are most deserving of their top state ranking; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in expression of pride that is shared statewide, we hereby most highly commend and congratulate the state football champions of Robert E. Lee High School, and do further direct that copies of this resolution be forwarded to Coach McCracken for appropriate presentation and school display.

On motion of Representative McKee, the rules were suspended and the resolution, H.J.R. 316, was adopted.

Also:

By Representatives Beasley, Carothers, Mathis and Williams:

H.J.R. 317. DESIGNATING THE OFFICIAL AGRICULTURAL MUSEUM FOR THE STATE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Dothan Landmarks Park as the official Agricultural Museum for the State of Alabama, and do further authorize the proper officials to erect and maintain appropriate signs and markers that reflect this action of the Legislature.

On motion of Representative Beasley, the rules were suspended and the resolution, H.J.R. 317, was adopted.

Also:

By Representative Laird:

H.J.R. 318. MEMORIALIZING THE U. S. JUSTICE DEPARTMENT TO INVESTIGATE THE FARMERS HOME ADMINISTRATION'S OPERATIONS IN ALABAMA.

WHEREAS, the Alabama Legislature notes with concern that the Farmers Home Administration single-family program designed to assist low-income families in Alabama has been commercialized in certain areas of the state so that multifamily housing construction is taking precedence over single-family housing; and

WHEREAS, when multifamily housing construction takes precedence over single-family construction, those low-income families that want and need a home to raise their families in a single-family environment, which is much more conducive to wholesome family living than apartments, are denied that privilege intended

to be afforded to Alabama citizens by Congress; and

WHEREAS, multifamily housing construction contracts in some of the less populated rural counties of Alabama costing millions of dollars are more frequently awarded to large, out-of-county contractors as opposed to local builders who are being deprived of the opportunity to earn income in their own county, as well as having the effect of reducing the tax base of the county, which again thwarts the purpose of the single-family housing program; and

WHEREAS, The Montgomery Advertiser reported in March 1991, that more than 4,700 homes could have been built over the last ten years with one hundred sixty-six million dollars for residential construction plus other millions of dollars for industrial development having been returned to Washington from Alabama for reallocation by the Alabama chief administrator of the Farmers Home Administration; and

WHEREAS, it appears to this body that the Farmers Home Administration loan program in Alabama has been converted to a self-serving vehicle for a few large contractors with political clout, thereby neglecting the very needs of rural citizens that the program was designed to help; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the U. S. Justice Department to investigate the Farmers Home Administration operations in the State of Alabama, including specifically Randolph County, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to William P. Barr, the United States Attorney General.

MOTION TO SUSPEND RULES AND ADOPT

Representative Laird offered the motion to suspend the rules and adopt the resolution, H.J.R. 318.

DIVISION OF THE QUESTION

Representative Ford called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Laird to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 318, and the motion was lost, lacking a four-fifths vote.

Yeas 27; Nays 12.

Yea:

Representatives Barnes, Biddle, Blakeney, Butler, Cosby, Crow, Cullins, Curry, Gaines, Haney, Laird, Layson, McDaniel, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Poole, Rich, Richardson, Sanderford, Smith (C), Smith (R) and Willis.

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Nay:

Mr. Speaker, Anderson, Black (M), Bowling, Bryant, Campbell, Carns, Ford, Freeman, Hall, Hawkins and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 318, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Powell, Campbell, Butler, Clark (J), Fuller, Poole, Holladay, Turnham, Smith (C), Rogers (F), Sanderford, McDaniel, Grayson, Knight, Hill, Carns, Hawkins, Payne, Biddle, Black (M) and Ford:

H.J.R. 319. COMMENDING KEVIN TURNER OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes the numerous and notable accomplishments of Kevin Turner of Prattville, Alabama, a 39-game starter during an outstanding football career at the University of Alabama, where he received a degree in Finance; and

WHEREAS, the son of Raymond and Myra Turner of Prattville and a running back for Prattville High School, Kevin Turner compiled an impressive high school record in rushing for 1,077 yards on 165 carries, and seven pass receptions for 81 additional yards and, as the team punter, averaged 42.5 yards per punt; and

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WHEREAS, at the University of Alabama, he amassed 1,020 career yards rushing and 97 receptions for 928 yards; his record included 11 career touchdowns, eight rushing and three receiving; and

WHEREAS, while at Alabama, Kevin Turner was one of four permanent team captains on the 1991 team; was named the Most Valuable Player on Offense for 1991; and was the recipient of the prestigious Pat Trammell Award given annually to the athlete who, in addition to athletic and scholastic achievement, exhibits in great degree the quality of leadership, both on and off the field; and

WHEREAS, he further was honored with the Montgomery Quarterback Club Player of the Year for 1991 award and played in the Japan Bowl and Senior Bowl; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished athletic achievement, we hereby commend Kevin Turner of Prattville, Alabama, and direct that a copy of this resolution of highest esteem be presented to Mr. Turner on the honorary occasion of "Kevin Turner Day" in Prattville, Alabama, April 28, 1992.

On motion of Representative Powell, the rules were suspended and the resolution, H.J.R. 319, was adopted.

Also:

By Representatives Zoghby, Rockhold, Box, Clark (W), Buskey (JE), Gaston, Harper and Kvalheim:

H.J.R. 320. COMMENDING THE GRACIOUS PEOPLE OF MOBILE, WHO HAVE BEEN NATIONALLY RECOGNIZED AS AMONG THE MOST POLITE CITIZENS IN AMERICA.

WHEREAS, not only do the residents of Alabama's Port City know the magic words, "please" and "thank you," but their gracious manners, innate courtesy and hospitality have earned a national ranking for their community as one of the ten most polite cities in America; and

WHEREAS, rudeness is a rarity in Mobile, Alabama, according to Marjorie Young-Stewart of Kewanee, Illinois, who, for the past fifteen years, has been listing our country's ten most polite cities; Mobile, which ranks fifth on the current list, is the only city in Alabama and one of only three in the South to be included in this exclusive ranking compiled from some 26,000 nominations, nationwide; and

WHEREAS, respect, pleasantness and consideration of others are indeed a way of life for the friendly folks in Mobile, and it is with great pride that we share the fame of their acknowledgement as "polite society," southern style; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Mobile community as one of the most polite cities in America, and do further direct that a copy of this resolution be forwarded to the Honorable Michael C. Dow, Mayor of Mobile.

On motion of Representative Zoghby, the rules were suspended and the resolution, H.J.R. 320, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Morrow:

H.R. 321. COMMENDING JOEY SMITH OF RED BAY HIGH SCHOOL, 1991 ROY LEE "CHUCKY" MULLINS PLAYER OF THE YEAR.

Also:

The following resolution was introduced:

By Representatives Higginbotham, Barnes and Zoghby:

H.J.R. 322. AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the 1991 Joint Rules of the Two Houses of the Legislature be amended to add a new joint Rule No. 15 to read as follows:

Rule 15. It is the policy of the Alabama Legislature that no employee or any other person dealing with a member of the Legislature in an official capacity be subject to discrimination or any form of harassment on the basis of race, sex, age, handicap, or creed.

Any person aggrieved by any alleged discriminatory or harassing action on the part of a legislator or legislative employee may file a written complaint with the Legislative Council. The Legislative Council, if it deems appropriate, may conduct an investigation and hearing on the complaint, and may either publicly or privately censure or reprimand a legislator or legislative employee found to violate the policy of the Legislature on discrimination or harassment. The accused legislator or legislative employee may appeal the decision of the Legislative Council to the respective chamber in which the legislator is a member or the employee is employed. Prior to taking any action to reprimand or censure a member of the Legislature or a legislative employee, the Legislative Council shall notify the

member or employee alleged to have violated the policy and shall grant the member or employee an opportunity to respond at a hearing on the complaint. Since, by the very nature of a hearing on a complaint filed under this rule, the character or good name of a woman or man will be involved in the hearing, the filing of the complaint shall be confidential and the Legislative Council shall meet in executive session for purposes of hearing and deciding complaints filed under this rule. The Legislative Council shall determine if the complaint was filed in good faith. If the council deems that it was filed in good faith, there shall be no retaliatory action taken against the complainant. Any attempt at retaliatory action against a good faith complainant shall also be deemed harassment under this rule and may be the subject of another complaint that also shall be procedurally administered under this rule.

BE IT FURTHER RESOLVED, That existing Joint Rule No. 15 and the succeeding joint rules be renumbered accordingly as rules 16 through 26.

MOTION TO SUSPEND RULES AND ADOPT

Representative Higginbotham offered the motion to suspend the rules and adopt the resolution, H.J.R. 322.

DIVISION OF THE QUESTION

Representative Holley called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Higginbotham to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 322, and the motion was adopted.

Yeas 52; Nays 9.

Yea:

Representatives Barnes, Beasley, Butler, Campbell, Carns, Carothers, Clark (W), Crow, Curry, Dolbare, Drake, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Haney, Harvey, Hawkins, Higginbotham, Hill, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Venable, Walker, Warren, Willis and Zoghby.

Nay:

Representatives Anderson, Black (L), Bryant, Grayson, Newton (D), Payne, Perdue, Smith (R) and White.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 605. To amend Sections 12-19-71, 12-19-72, 12-19-171, 12-19-172, 12-19-174, 12-19-175, 12-19-176, 12-19-178, and 12-19-179, Code of Alabama 1975, to increase the fees and costs in circuit and district courts; to further provide for the distribution of fees and costs in circuit and district courts so as to enhance that portion of the fees and costs that is distributed to the state general fund; to make supplemental appropriations for the fiscal year ending September 30, 1992; to make appropriations for the fiscal year ending September 30, 1993; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 211. DESIGNATING THE CITY OF ATMORE AS THE OFFICIAL
"ALABAMA RAIL WELCOME CENTER" FOR THE STATE OF ALABAMA.

Also:

H.J.R. 291. COMMENDING MARTHA LEE TUMLIN OF ETOWAH
COUNTY AS NATIONAL DISTINGUISHED PRINCIPAL.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H.J.R. 322 TEMPORARILY CARRIED OVER

On motion of Representative Higginbotham, the resolution, H.J.R. 322, was temporarily carried over.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Sanderford:

H.R. 323. COMMENDING MARTHA JENKINS BROOKS FOR
OUTSTANDING SERVICE.

Also:

The following resolutions were introduced:

By Representative Sanderford:

H.J.R. 324. COMMENDING MARTHA JENKINS BROOKS FOR
OUTSTANDING SERVICE.

WHEREAS, the Legislature of Alabama notes with gratitude the competent organizational skills that were utilized to produce the Legislators' Tax Guide that facilitates the preparation of tax returns for members of the Legislature; and

WHEREAS, Martha Jenkins Brooks of Huntsville worked tirelessly and without compensation to produce this tax guide, published by the Alabama Society of Certified Public Accountants, that explains in a clear and concise manner the tax consequences under federal and state tax laws of legislators' per diem, expense, and mileage receipts as elected officials; and

WHEREAS, this tax guide will benefit legislators for at least the next three years; and

WHEREAS, Martha Jenkins Brooks has provided significant assistance to legislators who have made inquiries regarding preparation of their tax forms; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most heartily commend Martha Jenkins Brooks of Huntsville for outstanding service in her competent preparation of the Legislators' Tax Guide and we extend to her our grateful appreciation for her tireless efforts in assisting us in the preparation of our tax forms.

On motion of Representative Sanderford, the rules were suspended and the resolution, H.J.R. 324, was adopted.

Also:

By Representative Cosby:

H.J.R. 325. COMMENDING BYRD ELEMENTARY SCHOOL OF SELMA, ALABAMA, FOR ITS ENVIRONMENTAL EDUCATION PROGRAM.

WHEREAS, this Legislature has noted with pride that Byrd Elementary School of Selma, Alabama, has been featured for its efforts to teach students about the environment in the March 1992 edition of the magazine "Principal," published by the National Association of Elementary School Principals; and

WHEREAS, with the many varieties of flowering plants, shrubs, and trees found growing on the school grounds, in courtyards, and in the classrooms, the Byrd Elementary classrooms could be described as miniature ecosystems; and

WHEREAS, Byrd Elementary School, where every teacher has environmental training and the outdoors is also a classroom, also won the W. Kelly Mosley Environmental Award for achievements in forestry, and this year Byrd students will plant 1,000 trees in the community for the National Tree Trust of Washington, D. C.; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would like to take this opportunity to recognize and to heartily commend Byrd Elementary School for its superior environmental education program.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Ross Hobbs and to Byrd Elementary School of Selma, Alabama.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 325, was adopted.

Also:

By Representative Cosby:

H.J.R. 326. COMMENDING SELMA HIGH SCHOOL STUDENTS UPON WINNING DISTRIBUTIVE EDUCATION CLUBS OF AMERICA STATE TITLES.

WHEREAS, the Legislature has noted with pride that four Selma High School students won first place at the 1992 Distributive Education Clubs of America state competition; and

WHEREAS, all student winners are employed by local businesses which allowed them to receive hands-on training in marketing education; and

WHEREAS, the student winners taking state honors in the different categories are: Rhonda Peoples--Hardees, general merchandise, supervisory level; Vutha Bou--Winn-Dixie Marketplace, food marketing written event; Brigitte Ashe--Selma Medical Associates, finance and credit written event; and Wanda Suttles--Food World, food marketing written event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the Selma High School Marketing Education Program, Selma High School marketing instructor, Carl Howard, and the outstanding students for winning the 1992 Distributive Education state titles.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to marketing instructor, Carl Howard, and students Rhonda Peoples, Vutha Bou, Brigitte Ashe, and Wanda Suttles, together with our congratulations.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 326, was adopted.

Also:

By Representatives Cosby, Thomas and Bryant:

H.J.R. 327. COMMENDING MR. GEORGE EVANS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with pride the participation of Mr. George Evans of Selma, Alabama, as an official in one of the most exciting sporting events of the year, the National Collegiate Athletic Association Championship Basketball Tournament; and

WHEREAS, Mr. Evans, as one of only 96 referees selected to officiate the tournament, called an opening round game and a second round game in the East Regional at Greensboro, North Carolina; and

WHEREAS, George Evans, an administrative assistant to the Superintendent of the Dallas County Board of Education, has been afforded the prestigious honor of being selected to officiate during March Madness for four consecutive years, a testament to his outstanding abilities and competence as an official; and

WHEREAS, this legislative body, composed of numerous hoop fanatics of various allegiances, lauds Ref Evans' "let 'em play" philosophy and his sincere desire to call it the same on both ends of the court; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we bestow upon George Evans rarely received, but highly justified, praise and commendation for many seasons of good calls which have culminated in recognition as one of the best basketball officials in the nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Evans so that he may know of our utmost esteem and admiration.

On motion of Representative Cosby, the rules were suspended and the resolution, H.J.R. 327, was adopted.

Also:

By Representatives McDowell, Escott-Russell, Kennedy, Gullatt, Zoghby and Rockhold:

H.J.R. 328. RECOGNIZING THE ALABAMA WOMEN'S ACADEMY OF HONOR AND THE ACADEMY'S 1992 INDUCTEES.

WHEREAS, sponsored by the Alabama Business and Professional Women's Foundation and the Alabama Women's Commission, the Alabama Women's Academy of Honor is a prestigious distinction bestowed in recognition of

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its inductees' leadership, service and achievement of such significance as to merit special recognition; and

WHEREAS, added to the Academy's roll on April 11, 1992, were Mary Alice Beatty and Nina Miglionico of Birmingham, and Minnie Miles of Tuscaloosa, each of whom has greatly distinguished herself in service to her community, state, and nation; and

WHEREAS, Mrs. Beatty, a successful businesswoman, community worker, writer, and pilot, flew her first solo flight in 1921; she is the founder of Aviatrix Pioneers of Aviation International, a charter member of the Aviation Hall of Fame in Dayton, Ohio, and in addition to countless other distinctions, is a member of the Smithsonian Society as a Bronze Medalist, the highest honor given by the Smithsonian; and

WHEREAS, Ms. Miglionico, a Birmingham attorney and a campaigner in the 1940's on behalf of a merit system for city employees, for poll tax reform and in protest of poor conditions in our state's prisons, was an early and staunch proponent of equal rights for women who traveled throughout Alabama and 15 states speaking on women's legal problems; a former member of the Birmingham City Council for 22 years, she has always been a supporter of women in public office and continues to be a courageous champion of women's causes; and

WHEREAS, Dr. Miles, Professor Emeritus of Organizational Behavior at the University of Alabama, Tuscaloosa, is a prominent educator and a founder and former Chairman of the Board of Trustees of the Alabama Business and Professional Women's Foundation, whose research, such as that involving women and the American economy and attitudes toward women in education and management, as well as several publications and other supportive endeavors, that have brought change to the status of women in society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we hereby recognize the Alabama Women's Academy of Honor, and the Academy's 1992 inductees, for whom copies of this resolution of sincere admiration and praise shall be provided.

On motion of Representative McDowell, the rules were suspended and the resolution, H.J.R. 328, was adopted.

Also:

By Representatives McDowell and Curry:

H.J.R. 329. COMMENDING JAMES A. MOORE OF BESSEMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with heartiest congratulations and commendation that the

Legislature of Alabama notes the selection of James A. Moore, chairperson of the science department at Jess Lanier High School, as the recipient of an American Society for Biochemistry and Molecular Biology (ASBMB) High School Teacher Summer Research Fellowship; and

WHEREAS, James Moore, who received his B.A. degree in biology and chemistry from Miles College and his M.Ed. degree from the University of Montevallo, was chosen as one of only forty teachers to receive this prestigious fellowship, and the opportunity to work during the summer of 1992 on a genetic engineering research project in the laboratory of Dr. Margaret A. Johnson, a scientist at the University of Alabama in Tuscaloosa, Alabama; and

WHEREAS, Mr. Moore, a veteran educator of some 25 years and a former Jess Lanier Teacher of the Year, has served in such distinguished positions as president of the Bessemer Education Association; as a member of the board of AG Gaston Boys Club; as a member of the State Textbook Committee; and on the visiting team for the Southern Association of Schools for the Birmingham School System; among other capacities of professional and community leadership; and

WHEREAS, he further was responsible for coordinating a 10-year self study committee for the Jess Lanier Science Department; assisted in writing the science curriculum for the Bessemer School System; organized a free tutorial program for AG Gaston Boys Club; and is a faithful and active member of New Pilgrim Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of invaluable contributions to education and as recipient of a "1992 High School Teacher Research Fellowship" sponsored by ASBMB, we hereby most highly commend James A. Moore of Bessemer, Alabama, for whom a copy of this resolution of sincere praise and regard shall be provided.

On motion of Representative McDowell, the rules were suspended and the resolution, H.J.R. 329, was adopted.

Also:

By Representatives McDowell, Escott-Russell, Zoghby, Rockhold, Kennedy, Bugg and Gullatt:

H.J.R. 330. WELCOMING GLORIA STEINEM TO ALABAMA FOR THE TWENTIETH ANNIVERSARY OF THE ALABAMA WOMEN'S POLITICAL CAUCUS.

WHEREAS, Gloria Steinem, one of the country's most widely read and critically acclaimed writers and editors, travels as a lecturer and feminist organizer and appears frequently in the media as an interviewer and spokeswoman on issues of equality; and

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WHEREAS, Ms. Steinem is currently an editorial consultant and writer for "Ms." magazine, the national feminist bi-monthly that she co-founded in 1972; and

WHEREAS, Ms. Steinem authored "Revolution from Within: The Book of Self-Esteem" in 1992, and "Outrageous Acts and Everyday Rebellions," a best-selling collection of new and past work; and

WHEREAS, as an organizer, Gloria Steinem has helped to found, and serves as a board member or advisor for the Ms. Foundation for Women, the only national multi-issue, multi-racial public women's fund; and also serves on the National Women's Political Caucus, a non-partisan group devoted to advancing pro-equality women of all races for elected and appointed office; Voters for Choice, a non-partisan political action committee that supports pro-choice candidates; the Women's Action Alliance, a national initiator in such areas as non-sexist, multi-racial children's education and building communication among women's groups; and the Coalition of Labor Union Women, a group devoted to advancing women and issues of female equality in existing and future unions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome Ms. Gloria Steinem to Alabama for the Twentieth Anniversary of the Alabama Women's Political Caucus.

RESOLVED FURTHER, That a copy of this resolution be presented to Ms. Steinem and to the Caucus.

On motion of Representative McDowell, the rules were suspended and the resolution, H.J.R. 330, was adopted.

Also:

By Representatives Butler, Richardson, Beasley, Cosby, Hooper and Gaston:

H.J.R. 331. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY ESTABLISHING A SEPARATE STATE DEPARTMENT DEVOTED TO MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES.

WHEREAS, mental retardation, mental illness, and substance abuse are significantly different in their origin, diagnosis, degree of permanency, and service requirement; and

WHEREAS, confusion exists on the part of the general public regarding the conditions of mental health, substance abuse, and mental retardation, that impedes the development and expansion of services to individuals with mental retardation and their families; and

WHEREAS, the needs of individuals with developmental disabilities other

than mental retardation, such as cerebral palsy, epilepsy, head injuries, and autism are currently unserved or extremely underserved; and

WHEREAS, the Commissioner of the Department of Mental Health and Mental Retardation is a politically appointed position that lacks the long-term stability necessary for systems change; and

WHEREAS, a department of state established exclusively to serve individuals with mental retardation and other developmental disabilities would permit more efficient tracking of state and federal funding; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint legislative committee is created to study the feasibility of creating a department of state to serve the needs of individuals with mental retardation and other developmental disabilities that is separate from any state department serving mental health and substance abuse needs. The committee shall be composed of four members of the Senate appointed by the President of the Senate, four members of the House of Representatives appointed by the Speaker of the House of Representatives, one representative of the Division of Mental Retardation of the Department of Mental Health and Mental Retardation to be appointed by the Commissioner of the department, one representative of the Division of Mental Illness of the Department of Mental Health and Mental Retardation to be appointed by the Commissioner of the department, one representative of the Division of Substance Abuse Services of the Department of Mental Health and Mental Retardation to be appointed by the Commissioner of the department, and two representatives of the Association for Retarded Citizens of Alabama to be appointed by that association and two mental retardation provider representatives from the Council of Community Mental Health Boards. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House of Representatives shall provide clerical assistance necessary for the work of the committee. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session at which time the committee shall be dissolved. Each legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee and other members of the committee shall be entitled to the same per diem and mileage allowance paid to state employees. The allowances, expenses, and compensation of all members of the committee shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no legislative member shall receive additional legislative compensation or per diem when the Legislature is in session or if a legislative member is being paid any other payments on the same dates for attendance of other state business. No non-legislative member of the committee shall receive per diem or expense allowance if the member is being paid any other payments on the same date for

attendance of other state business. Expenses shall be limited to \$5,000. The committee will terminate after one year.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 331, was adopted.

Also:

By Representatives Hooper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 332. COMMENDING CONGRESSMAN BILL DICKINSON FOR HIS LIFE OF EXEMPLARY PUBLIC SERVICE UPON HIS RETIREMENT.

WHEREAS, Congressman Bill Dickinson of the Second Congressional District of Alabama is retiring after 28 years of continuous service in the United States Congress; and

WHEREAS, throughout Congressman Dickinson's many years in Congress, he exercised great responsibility and true leaderships in shaping national defense policy and readiness, being one of the chief architects of the defense build-up, pushing hard for funding of the strategic defense initiative, the MX missile system, and many other high-tech weapons that made our twin victories in the cold war against the U.S.S.R. and in the Persian Gulf War against Iraq possible; and

WHEREAS, his list of impressive initiatives and accomplishments includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army Aviation; transforming Gunter Air Force Base into the Gunter Annex of Maxwell Air Force Base in Montgomery, Alabama; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; getting a Trident Submarine named after Alabama; the establishment of an Air Force School of Law at Maxwell Air Force Base as well as establishing the senior NCO Academy at Gunter Annex of Maxwell Air Force Base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate Congressman Bill Dickinson on his life of exemplary public service to his district, his state, and his nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Congressman Bill Dickinson with every good wish for him and his family from the people of the State of Alabama.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 332, was adopted.

Also:

By Representative Hooper:

H.J.R. 333. DESIGNATING THE WEEK OF JUNE 21, 1992, AS "SHERIFFS' WEEK."

WHEREAS, the Alabama Legislature takes this opportunity to recognize the outstanding contributions to law enforcement in this state made by the county sheriffs of Alabama; and

WHEREAS, the role of our state's county sheriffs has been greatly enhanced over the years, forming an essential pillar in our anti-drug and anti-crime efforts; and

WHEREAS, our trusted county sheriffs and their loyal deputies face increasingly dangerous odds protecting Alabama citizens from an unprecedented, sophisticated wave of violent crime, drug trafficking, and illegal gang activity driven by the lucrative drug trade; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the dedication of these faithful men of the badge and side-arm, we do hereby designate the week of June 21, 1992, as "Sheriffs' Week" in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each sheriff in the State of Alabama.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 333, was adopted.

Also:

By Representatives McMillan and Penry:

H.J.R. 334. COMMENDING THE BAY MINETTE MIDDLE SCHOOL ON HAVING ONE OF SIX EXEMPLARY INNOVATIVE PROGRAMS.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Bay Minette Middle School faculty, students, and staff for being selected as one of six regional schools with an exemplary dropout prevention program by the Southern Association of Colleges and Schools at its annual meeting in New Orleans; and

WHEREAS, the Bay Minette Middle School competed against 418 regional entries, from schools representing 11 states and Latin America serving 12 million students, and its "Project Bridge" designed to restructure classroom learning environment and methods, and provide a psychological support system to establish individualized academic plans for each student was displayed for 4,000 people at the New Orleans meeting; and

WHEREAS, the faculty, students, and staff of the Bay Minette Middle School, by designing innovative but sound solutions to the critical problems of dropouts and retention of students, which affects every fiber of our society, have contributed immeasurably to their community, the State of Alabama, and to southern regional schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the faculty, students, and staff of the Bay Minette Middle School, Mr. James Cox, Principal, and Mrs. Jean Davis, project sponsor, with a copy of this resolution to be given to the school for appropriate display, so that all may know of the exemplary award for the outstanding "Project Bridge: A Model Middle School Program."

On motion of Representative McMillan, the rules were suspended and the resolution, H.J.R. 334, was adopted.

Also:

By Representatives Escott-Russell, Thomas, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 335. COMMENDING ALABAMA GORDON WILLIAMS ON HER 100TH BIRTHDAY.

WHEREAS, the Alabama Legislature has noted the occasion of the 100th birthday celebration of Alabama Gordon Williams; and

WHEREAS, Alabama Gordon Williams was born on March 31, 1892, in Lowndes County, Alabama, as the third of nine children born to George and Georgia Gordon; and

WHEREAS, she married Robert Williams at the age of 20 and together they brought into the world four children, three of whom are still living; and

WHEREAS, she exemplified the work ethic, starting work at age nine, working for her father and then for herself, operating a grocery store in Lowndes County for 42 years until she retired at age 98; and

WHEREAS, Alabama Gordon Williams is a member of the Hayneville A. O. H. Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Alabama Gordon Williams on the occasion of her 100th birthday celebration and extend best wishes for many more birthdays to come.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Alabama Gordon Williams.

On motion of Representative Escott-Russell, the rules were suspended and the resolution, H.J.R. 335, was adopted.

Also:

By Representative Campbell:

H.J.R. 336. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 23, 1992, they adjourn to meet again on Tuesday, April 28, 1992.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 336, was adopted.

Also:

By Representative Campbell:

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BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 23, 1992, we adjourn to meet again on Tuesday, April 28, 1992, at 12:15 p.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 337, was adopted.

Also:

By Representative Campbell:

H.J.R. 338. AMENDING JOINT RULE 12 (C) TO ALTER THE LENGTH OF PAPER ON WHICH BILLS ARE PREPARED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Rule No. 12 (c) of the Joint Rules of the Legislature of 1991 that requires that bills be prepared on 8 1/2" by 14" paper with numbered, doubled-spaced lines be amended to read as follows:

Rule 12 (c) No bill shall be accepted by the Secretary of the Senate or Clerk of the House for introduction in either House beginning with the Regular Session of 1993 unless it is a legible copy, typed on 8 1/2" by 11" paper with numbered lines which are double-spaced.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 338, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Petelos and Hawkins:

H.R. 339. COMMENDING PAUL NICHOLAS KUSTOS, STATE SPELLING BEE CHAMPION.

Also:

The following resolutions were introduced:

By Representatives Beasley, Carothers and Mathis:

H.J.R. 340. NAMING THE "CHARLES S. WEEKS HIGHWAY" IN HOUSTON COUNTY, ALABAMA.

WHEREAS, Charles S. Weeks, a prominent Houston County resident, has long and well served his community, and always to the betterment and well-being of his fellow citizens; and

WHEREAS, as a member of the Houston County Commission, he provided effective leadership in all areas of responsibility and, among many other endeavors, was instrumental in vastly improving the county road system; and

WHEREAS, in gratitude for Mr. Weeks' many contributions in service to Houston County and to all citizens thereof, it is both fitting and desirable that he be publicly recognized in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 95, from its point of intersection with U. S. Highway 84 East, south to the Florida line, as the "Charles S. Weeks Highway."

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating the "Charles S. Weeks Highway," and that a copy of this resolution be forwarded to the Houston County Commission, with a copy also provided for Mr. Weeks as a memento of this honorary designation by the Legislature.

On motion of Representative Carothers, the rules were suspended and the resolution, H.J.R. 340, was adopted.

Also:

By Representative Mathis:

H.J.R. 341. COMMENDING RUBIN LEWIS HANAN, MONTGOMERY, ALABAMA, ON OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Alabama Legislature notes the numerous accomplishments of Rubin Lewis Hanan who has demonstrated extraordinary leadership, academic excellence, entrepreneurial acumen in publishing and marketing, and unusual sensitivity to senior citizen's health and social concerns; and

WHEREAS, the grandson of Alabama's prominent President of the League of Aging Citizens and successful gourmet grocer, Mr. Rubin Morris Hanan, and his wife Julia, Rubin Lewis Hanan has received honors too numerous to list; he was recognized as one of America's Junior Leaders in 1985, and served with distinction in the United States Congressional Junior Intern Program, he was listed in the Top Ten of American Collegiates, 1990-1992, and held numerous prestigious offices in the Zeta Beta Tau Fraternity, 1986-1989; he was a member of: the American Marketing Association, University Entrepreneurs, Alabama Finance Society, and the University of Alabama Rugby Team, from 1986 to 1989; and he

was listed on the Dean's List for academic achievement at that university; and

WHEREAS, he has also held executive offices in publishing and marketing enterprises, and has earned valuable experience in dental procedures and surgery, working with his father, Dr. Lewis Hanan, and he has been a junior activist for the Alabama League of Aging Citizens where he has earned the admiration and esteem of many throughout our state; and

WHEREAS, the high principles, moral convictions, and social concern for others exhibited by Ruben Lewis Hanan makes him a sterling example for our young citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Mr. Ruben Lewis Hanan on his many outstanding achievements at such a young age and request that a copy of this resolution be provided to Mr. Ruben Lewis Hanan so that he may know of our esteem.

On motion of Representative Mathis, the rules were suspended and the resolution, H.J.R. 341, was adopted.

Also:

By Representative Campbell:

H.J.R. 342. CALLING FOR AN ELECTION TO BE CONDUCTED TO DETERMINE IF A CONSTITUTIONAL CONVENTION SHALL BE HELD TO REVISE AND AMEND THE CONSTITUTION OF ALABAMA OF 1901.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That on May 4, 1993, an election shall be held in the several counties of this State, in the same manner and by the same officers as general elections are required to be held, for the purpose of determining whether or not a convention shall be held to revise and amend the Constitution of Alabama. At the election, the question of the holding of a convention shall be submitted to a vote of qualified electors of the State. If a majority of the voters voting at the election approve of the holding of a convention for the purpose stated, the convention shall be held as hereinafter provided.

2. At this election every qualified elector who approves of the holding of a convention shall declare it by depositing his or her ballot at the voting place where he or she is entitled to vote by making a cross mark before the words "for convention," written or printed on the ballot. Every qualified elector, who disapproves of the holding of a convention, shall deposit his or her ballot, marked with a cross mark before the words "no convention," which shall be written or printed on the ballot.

3. At the time of the election, voters from each Alabama Senate District shall elect three delegates to the convention.

Candidates for election as delegates shall be nominated in the same manner in which candidates for election to fill vacancies in the Legislature are nominated. The names of all candidates so nominated, and no other names, shall be printed on the official ballots to be prepared for the purpose of the election. The ballots shall be separate and distinct from the ballots on which are printed the words "For Convention" and "No Convention". The official ballot containing the names of all candidates shall be prepared in the same manner as official ballots are prepared in general elections. Above the names of the candidates shall be printed the words, "For delegates to the Constitutional Convention from the House District _____ Vote for one delegate for each place."

4. All delegates to the convention shall be citizens of the State and qualified electors of their respective districts. No person shall be disqualified from being a delegate because he or she holds any office of honor or profit under the State or Federal government.

5. On Thursday following the election, the returning board of each county in the State, shall meet at the court house of the county for the purpose of canvassing the returns of the election. The returning board shall ascertain how many votes were cast "for convention," how many votes were cast "no convention," and how many votes were cast as a whole in the county. The returning board shall certify the votes immediately to the Secretary of State. The returning board shall ascertain the number of votes received by the candidates for delegates for each place in the various districts, and shall certify the votes to the Secretary of State.

6. On May 11, 1993, the Governor, Secretary of State, and Attorney General shall assemble in the office of the Secretary of State and, upon the returns of the election, canvass the votes which have been cast "for convention" and "no convention" as appear from the returns. If it appears that a majority of all persons voting in the election voted for the holding of the convention, they shall ascertain from the returns which persons were elected as delegates to the convention from each of the several districts, and the Secretary of State shall issue certificates of election to the persons so elected. The Governor shall give public notice, by proclamation, of the fact that a majority of the electors of the State voting at the election approved the calling of the convention for the purpose above stated. The proclamation shall be published in every county of the State in a newspaper of general circulation in the county in which it is published. The Governor shall call upon the delegates elected to assemble at the time and place, and for the purpose, herein designated. The courts of the State shall take judicial notice of such proclamation.

7. If the holding of the convention is approved by the qualified electors of this State, the delegates elected shall convene in the hall of the House of

Representatives in the City of Montgomery on June 2, 1993, at 12:00 noon. They shall organize the convention by the election of a president, from among themselves, and any other officers, who need not be delegates, as they may deem necessary. The convention shall continue in session until it shall, by careful revision and amendment of the present constitution, frame and adopt a revised constitution for this State.

8. In case any dispute occurs as to the right of any person to sit in the convention as a delegate, the question shall be decided by the convention, which shall be the exclusive judge of the election, qualification, and returns of its own members. Any person desiring to contest the election of a person, who is certified as being elected as a delegate to the convention, may do so in the same manner as the election of a member of the House of Representatives of the Legislature of Alabama is contested, by giving the same bond, and testimony shall be taken in the same manner.

9. The delegates to the convention shall be supplied with stationery, books, statutes, reports, and documents in the same manner as members of the Legislature of Alabama. The Chief Justice of the Supreme Court, or in his or her absence, one of the Associate Justices of the Supreme Court, shall call the convention to order and preside until temporary officers are elected. The delegates shall receive for their services the same per diem and mileage from the State Treasury as is allowed to members of the Legislature of Alabama and the other expenses of the convention shall be paid in the same manner as provided for the Legislature of Alabama. The per diem, mileage, and other expenses shall be paid on the certificates of the president and secretary or clerk of the convention, to the State Comptroller, in the same manner that payment of the compensation to members of the Legislature of Alabama is by law directed to be made. Per diem compensation shall not be allowed or paid to any member of the convention for a period of time longer than 75 consecutive calendar days.

10. The convention shall file with the Secretary of State, within one week after its adjournment, certified by the hand of the president and secretary or clerk, a clean and correct copy of the constitution which the convention adopts. The convention shall keep a correct journal of its proceedings, and file it upon adjournment with the Secretary of State.

11. Before entering upon the discharge of his or her duties as a member of the convention, each delegate shall, before a judge of the circuit or Supreme Court of this State, take the following oath: "I do solemnly swear that I will support the Constitution of the United States, and I will honestly and faithfully perform the duties which are now to devolve on me as a delegate of this convention, so help me God".

12. Except as herein otherwise provided, the general election laws of this State shall apply fully to the elections provided for under this resolution, including all matters preliminary to the holding of the elections as well as all matters subsequent thereto.

13. The judge of probate of each county shall prepare and furnish to the election officials of each voting place in the county a sufficient number of official ballots equal. The ballots shall be prepared in the manner provided under existing laws, and shall contain the names of the persons who have been nominated and certified as candidates as herein provided.

14. In the event of the framing of a constitution by the convention, it shall be the duty of the Governor, within one week after the filing of the constitution with the Secretary of State, to issue his or her proclamation, published in the same manner as the proclamation to assemble the convention is required to be published under paragraph 6. The proclamation shall state that the constitution has been framed and that an election will be held in the several counties of the State for the purpose of submitting the constitution to the qualified voters of the State for ratification or rejection. The Governor shall publish a copy of the proposed constitution at the same time and in the same manner as the proclamation is required to be published. The election required by this paragraph shall be held not less than 20 days nor more than 60 days after the date of the proclamation and the date of the election shall be set forth in the proclamation. The election shall be held by the same officers and in the same manner as general elections are required to be held.

15. At the election provided for by the preceding paragraph, every qualified voter who is in favor of the ratification of the constitution so framed by the convention shall make a cross mark before the words "For Constitution," which shall be written or printed on the ballot, and shall deposit his or her ballot at the voting place where he or she may be entitled to vote. Every qualified elector voting at the election who is against the ratification of the constitution shall deposit his or her ballot at the voting place where he or she may be entitled to vote and mark a cross mark before the words, "Against Constitution," which shall be written or printed on the ballot. The returns of the election shall be made in the same manner, within the same time, by the same officers, certified to the same officer, and shall be in the same form as provided in paragraph five of this resolution.

16. Within 15 days after the day on which the election shall be held for the ratification or rejection of such constitution, the Governor, Secretary of State, and Attorney General shall assemble in the office of the Secretary of State and open the returns of the election. They shall tabulate the votes which may have been cast "For Constitution" and "Against Constitution," and the results shall be certified to the Governor by the Secretary of State and Attorney General. If the constitution is ratified by a majority of all the qualified electors voting at the election, the Governor shall designate a date in the proclamation, not later than 10 days from the date of the proclamation, at which time the new constitution shall go into effect as the Constitution of the State of Alabama, and shall be binding and obligatory as such upon all the people of this State.

17. If an election is called as required under paragraph 14 of this resolution, the judge of probate of each county in the State shall prepare and furnish the

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official ballots to be voted at such election as now required under the general election laws of the State which official ballot shall be prepared according to the requirements of paragraph 15 of this resolution. No ballot other than an official ballot shall be cast and counted in the election, and the election shall be held and conducted as general elections are held, except as otherwise provided by this resolution.

The resolution, H.J.R. 342, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Campbell, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Letson, the Budget Isolation Resolution and the bill, S. 464, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 738, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Bryant, Bugg, Campbell, Collins, Cosby, Crow, Dolbare, Freeman, Gaston, Gullatt, Hall, Hamilton, Harvey, Hawkins, Hill, Holladay, Johnson, Kennedy, Knight, Kvalheim, Layson, McKee, McMillan, Melton, Millican, Morrow, Newton (C), Penry, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Venable, Walker, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 738. Relating to Calhoun County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether the sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; and to provide a method for the sale of the property and the report of the amount of taxes collected from the sale.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Bryant, Campbell, Carns, Carothers, Collins, Cosby, Crow, Curry, Freeman, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Payne, Penry, Petelos, Richardson, Rockhold, Rogers (F), Sanderson, Smith (R), Turner, Walker, Williams, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 762, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Barnes, Bowling, Box, Bryant, Butler, Campbell, Carns, Carothers, Collins, Cosby, Crow, Curry, Freeman, Gaston, Grayson, Hall, Harvey, Hill, Holladay, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Rockhold, Turner, Walker, Williams, Willis and Zoghby.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 762. Relating to Mobile County; to permit the substitution of nongrade marked lumber for new lumber under local building codes under certain conditions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Blakeney, Box, Bryant, Butler, Carothers, Collins, Crow, Curry, Freeman, Gaston, Hall, Harper, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McKee, Melton, Millican, Morrow, Morton, Newton (C), Payne, Poole, Starkey, Turner, Walker, Willis and Zoghby.

-37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harvey, the Budget Isolation Resolution relating to the bill, H. 788, was adopted.

Yeas 37; Nays 6.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Butler, Campbell, Carothers, Collins,

Cosby, Crow, Ford, Gaston, Gullatt, Harper, Harvey, Haynes, Hill, Holladay, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, Mikell, Millican, Newton (C), Parker (P), Poole, Smith (C), Starkey, Turner, Walker, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Carns, Escott-Russell, Hawkins, Morton and Newton (D).

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 788. Relating to Blount County; authorizing the county commission to levy an additional ad valorem tax; creating the Blount County Water Authority; and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 5.

Yea:

Mr. Speaker, Beasley, Blakeney, Bowling, Box, Campbell, Collins, Crow, Cullins, Flowers, Ford, Freeman, Gaston, Gullatt, Hall, Harper, Harvey, Higginbotham, Hill, Holladay, Johnson, Knight, Kvalheim, Laird, McDaniel, McMillan, Melton, Mikell, Morrow, Newton (C), Parker (P), Penry, Poole, Rockhold, Walker, Williams, Willis and Zoghby.

-38

Nay:

Representatives Barnes, Escott-Russell, McClain, Newton (D) and Spratt.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Harvey to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 793, was lost, lacking a four-fifths vote.

Yeas 35; Nays 21.

Yea:

Representatives Beasley, Bowling, Butler, Campbell, Carothers, Cosby, Crow, Flowers, Freeman, Fuller, Hall, Hamilton, Haney, Harper, Harvey, Hill, Holladay, Holley, Johnson, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Newton (C), Penry, Poole, Sanderford, Smith (C), Smith (R), Turner, Walker, White and Willis.

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Nay:

Representatives Anderson, Barnes, Biddle, Bryant, Carns, Curry, Escott-Russell, Gaines, Hawkins, Kennedy, Kvalheim, McClain, Morton, Newton (D), Payne, Perdue, Petelos, Rogers (F), Sanderson, Spratt and Thomas.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Clark (J), the Budget Isolation Resolution relating to the bill, H. 800, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Haney, Haynes, Hill, Holladay, Holley,

Hooper, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Newton (C), Parker (P), Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Warren, White, Williams and Willis.

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And the bill:

H. 800. Relating to Barbour County; to provide for the appointment of additional members to the board of registrars.

was taken up.

SUBSTITUTE OFFERED

Representative Clark (J) offered the following substitute to the bill, H. 800:

A BILL TO BE ENTITLED AN ACT

Relating to Barbour County; to provide for the appointment of additional members to the board of registrars.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Barbour County Commission may appoint additional members to the board of registrars pursuant to Section 17-4-150 of the Code of Alabama 1975, as amended by Act No. 92-223 of the 1992 Regular Session.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws that conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 58; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JE), Butler, Campbell, Clay, Collins, Crow, Cullins, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Holladay, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, McKee, McMillan, Melton, Mikell, Millican, Morrow, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Spratt, Starkey, Thomas, Turner, Walker, Warren, White, Williams and Willis.

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And the bill, H. 800, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Fuller, Goodwin, Grayson, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Penry, Perdue, Poole, Rich, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Thomas, Turner, Walker, Warren, White, Williams and Willis.

-69

BUDGET ISOLATION RESOLUTION

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 801, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Butler, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton,

Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, Williams and Willis.

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And the bill:

H. 801. Relating to Fayette County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act, and to repeal all laws or parts of laws which conflict with this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Gullatt, Hamilton, Haney, Harper, Harvey, Hill, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Spratt, Venable, Walker, White, Williams and Willis.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative McClain:

H.R. 343. COMMENDING FRANK BELCHER OF FAIRFIELD, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 670. Relating to the Autauga County Commission; to reorganize the county commission into five single-member districts and describe the boundaries of those districts; to provide for the election of a chair from among the commissioners to serve at the pleasure of the commission; to remove the Judge of Probate as chair and as a member of the county commission; to provide the salaries of the commissioners and the chair, to provide that the county highway department shall be operated on the basis of a unit system under the supervision of the county engineer, and to repeal conflicting laws, specifically Act No. 84-394, H. 925, Regular Session 1984.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Powell, the House concurred in and adopted the Senate amendment to the bill, H. 670, said Senate amendment being as follows:

Amend H. 670, page 13, Section 7, Line 15, after the words "repair of" by striking the following: ~~pubic~~ and inserting the following: public

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Buskey (JL), Butler, Clay, Collins, Crow, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Haney, Harper, Hawkins, Hill, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Venable, Walker and Willis.

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MOTION TO ADJOURN LOST

The motion offered by Representative Walker that the House adjourn until 12:15 o'clock p.m., Tuesday, April 28, 1992, was lost.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Holladay, the Budget Isolation Resolution relating to the bill, H. 803, was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Clay, Collins, Crow, Dolbare, Flowers, Freeman, Fuller, Gullatt, Hall, Harvey, Hawkins, Hill, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turner, Venable, Walker, Williams and Willis.

-58

And the bill:

H. 803. Relating to St. Clair County; providing for an additional expense allowance for the Sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Bryant, Bugg, Burke, Buskey (JL), Butler, Clay, Collins, Crow, Dolbare, Fuller, Goodwin, Harper, Hawkins, Hill, Holley, Johnson, Knight, Kvalheim, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Turner, Venable, Walker, White, Williams and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Holladay, the Budget Isolation Resolution relating to the bill, H. 804, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Butler, Clay, Collins, Crow, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Harper, Harvey, Hawkins, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Turner, Venable, Walker, White, Williams and Willis.

-60

And the bill:

H. 804. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Margaret in St. Clair County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Burke, Butler, Carothers, Clay, Collins, Cosby, Crow, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Haney, Harper, Hawkins, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turner, Turnham, Venable, Walker, White, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 813, was adopted.

Yeas 37; Nays 8.

Yea:

Representatives Biddle, Blakeney, Carns, Clay, Dolbare, Gaston, Grayson, Gullatt, Hamilton, Haney, Harvey, Hill, Johnson, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Newton (C), Newton (D), Parker (P), Payne, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Walker, White and Zoghby.

-37

Nay:

Representatives Beasley, Crow, Cullins, Freeman, Hall, Harper, Turner and Willis.

- 8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 813. Proposing an amendment to the Constitution of Alabama of 1901, relating to the emergency telephone service charge in Randolph County.

was read a third time at length and lost, lacking a three-fifths unanimous vote of all members elected to the House as required by Amendment No. 425 of the Constitution.

Yeas 65; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Grayson, Hamilton, Hammett, Haney, Harvey, Hill, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, White, Willis and Zoghby.

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Nay:

Representative Turner.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 814, was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Harper, Harvey, Holladay, Holley, Holmes, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Mathis, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Walker, Williams, Willis and Zoghby.

-64

And the bill:

H. 814. To amend Act No. 89-465 of the Regular Session of the Legislature of Alabama of 1989, approved May 4, 1989, to provide further for the terms and compensation of the board of directors of a public water authority in Marion County and to ratify and confirm certain compensation paid to the members of the board prior to the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JL), Butler, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Fuller, Gaston, Hall, Haney, Harper, Harvey, Holladay, Holley, Holmes, Johnson, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole,

Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Venable, Walker, White, Williams, Willis and Zoghby.

-57

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 634, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Escott-Russell, Freeman, Fuller, Grayson, Hall, Haney, Harper, Hawkins, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Laird, Layson, Mathis, McClain, McKee, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Poole, Rich, Rockhold, Spratt, Venable, Walker, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 634. Providing for a District Attorney's Fund for the 7th Judicial Circuit.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Goodwin, Hall, Haney, Harper, Hawkins, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Laird,

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Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Millican, Morrow, Morton, Newton (C), Parker (P), Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Venable, Walker, Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Smith (R):

H.R. 344. COMMENDING MARTHA LEE TUMLIN OF ETOWAH COUNTY AS NATIONAL DISTINGUISHED PRINCIPAL.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Williams, the Budget Isolation Resolution relating to the bill, H. 780, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hawkins, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Millican, Morrow, Newton (C), Parker (P), Payne, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Williams, Willis and Zoghby.

-63

And the bill:

H. 780. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and

surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 2.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Hall, Harper, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee, Melton, Mikell, Morrow, Morton, Newton (C), Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-53

Nay:

Representatives Haney and Smith (R).

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative Bryant, the Budget Isolation Resolution relating to the bill, H. 805, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Carns, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Freeman, Goodwin, Grayson, Hall, Harper, Hawkins, Hill, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, McClain, McDaniel, Melton, Millican, Morrow, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Smith (C), Spratt, Turner, Venable, Walker, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 805. Relating to Dallas County; to establish a legislative delegation office in the county, and to provide for its funding, personnel, and administration.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Harper, Harvey, Hawkins, Hill, Holladay, Holmes, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turner, Venable, Walker, Willis and Zoghby.

-63

BUDGET ISOLATION RESOLUTION

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 809, was adopted.

Yeas 62; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Turner, Venable, Willis and Zoghby.

-62

And the bill:

H. 809. To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Warren, White, Williams and Willis.

-68

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 670. Relating to the Autauga County Commission; to reorganize the county commission into five single-member districts and describe the boundaries of those districts; to provide for the election of a chair from among the commissioners to serve at the pleasure of the commission; to remove the Judge of Probate as chair and as a member of the county commission; to provide the salaries of the commissioners and the chair, to provide that the county highway department shall be operated on the basis of a unit system under the supervision of the county engineer, and to repeal conflicting laws, specifically Act No. 84-394, H. 925, Regular Session 1984.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 812, was adopted.

Yeas 59; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Harper, Hawkins, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Warren, Williams and Willis.

-59

And the bill:

H. 812. Relating to the City of Jasper in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Jasper Police Officers and all City of Jasper Jailers covered by the Minimum Standards Act, to provide for the City Council of Jasper to increase the amount of hazardous duty payments; and to provide for implementation of this act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Goodwin, Gullatt, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Letson, Lindsey, Mathis, McClain, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Walker, Warren, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 672, was adopted.

Yeas 56; Nays 3.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Venable, Walker, Willis and Zoghby.

-56

Nay:

Representatives Buskey (JE), Clark (W) and Kvalheim.

- 3

And the bill:

H. 672. (With Amendments): To propose an amendment to the Constitution of Alabama of 1901, relating to Mobile County, to prohibit any new permits to operate solid waste disposal facilities that are not incinerators.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 672 on page 2, line 3, after the period following the word "amendment" by adding the following: In addition, this amendment shall not prohibit the issuance of a permit for a private landfill to be used by a business or industry to dispose of its own industrial or inert solid wastes.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 54; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Venable, Warren, Willis and Zoghby.

-54

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 672 on page 1, Section 1, line 34, after the word "shall" by striking the following: ~~not~~

Further amend the bill on page 2, Section 1, line 1, by striking the word prevent and inserting in lieu thereof the words: apply to

Further amend the bill on page 1, line 23, after the word "operate" by inserting the words: or expand

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 60; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Sanderford, Smith (C), Spratt, Venable, Walker, Warren, Willis and Zoghby.

-60

And the bill, H. 672, as amended, was read a third time at length and lost, lacking a three-fifths unanimous vote of all members elected to the House as required by Amendment No. 425 of the Constitution.

Yeas 66; Nays 3.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-66

Nay:

Representatives Buskey (JE), Clark (W) and Laird.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 720, was adopted.

REGULAR SESSION
25th Day

2519

Yeas 56; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, Melton, Millican, Morrow, Newton (C), Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Turner, Walker, Willis and Zoghby.

-56

And the bill:

H. 720. (With Amendment): To relate to the improvement of public education in Mobile County; to create and establish community advisory boards in each school district; to provide for the authority, powers, and duties of the boards; to provide the procedure for recommending the removal of school principals; and to require a budget for each individual school.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 720 on page 1, line 15, after the word "boards;" by striking the following: ~~to provide the procedure for recommending the removal of school principals;~~

Further amend the bill on page 2 by striking Section 4 in its entirety and renumbering the remaining sections.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 0.

Yea:

Representatives Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Harper,

Hawkins, Higginbotham, Hill, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McKee, Melton, Millican, Morrow, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Smith (C), Spratt, Turner, Venable, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 720. To relate to the improvement of public education in Mobile County; to create and establish community advisory boards in each school district; to provide for the authority, powers, and duties of the boards; and to require a budget for each individual school.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 59; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican, Morrow, Newton (C), Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, White, Willis and Zoghby.

-59

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 718, was adopted.

Yeas 58; Nays 0.

REGULAR SESSION
25th Day

2521

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Hammett, Harper, Hawkins, Higginbotham, Hill, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, White, Willis and Zoghby.

-58

And the bill:

H. 718. To amend Act No. 489 (H. 1034) of the 1975 Alabama Legislature, so as to provide that in Madison County the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person shall be Ten (\$10) Dollars, and to provide for the use of a portion of the funds derived from the issuance of such permits.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Dolbare, Freeman, Fuller, Goodwin, Grayson, Hammett, Haney, Harper, Haynes, Higginbotham, Hill, Johnson, Kennedy, Knight, Letson, Lindsey, Mathis, McKee, Mikell, Millican, Newton (C), Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Willis and Zoghby.

-51

Nay:

Representative Hall.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 787, was adopted.

Yeas 54; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Collins, Crow, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Haynes, Higginbotham, Hill, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McKee, Mikell, Millican, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Venable, Warren, Williams, Willis and Zoghby.

-54

And the bill:

H. 787. To propose an amendment to the Constitution of 1901, to abolish the office of constable in Madison County.

was read a third time at length and lost, lacking a three-fifths unanimous vote of all members elected to the House as required by Amendment No. 425 of the Constitution.

Yeas 65; Nays 2.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harper, Higginbotham, Hill, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McKee, Mikell, Millican, Morton, Newton (C), Payne, Penry, Petelos, Poole, Rockhold, Rogers (F), Sanderson, Smith (R), Spratt, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Haney and Sanderford.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 802, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harper, Harvey, Higginbotham, Hill, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turner, Venable, White, Williams, Willis and Zoghby.

-63

And the bill:

H. 802. Relating to Madison County; authorizing the Madison County Commission and the Sheriff's Department of the county to prohibit the accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; requiring a county license to operate a junkyard; and providing fines for violations.

was taken up.

AMENDMENT OFFERED

Representative Haney offered the following amendment to the bill, H. 802:

On page 2, Section 2 (a), in line 3, after the word "premises" insert the following words: in public view

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (M), Blakeney, Box, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Grayson, Hall, Haney, Hill, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, Melton, Mikell, Millican, Morrow, Morton, Payne, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Warren, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 802, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 1.

Yea:

Representatives Biddle, Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Haney, Harper, Hill, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Warren, Willis and Zoghby.

-51

Nay:

Representative Hall.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 776, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Hill, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Penry, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Warren, Williams, Willis and Zoghby.

-55

And the bill:

H. 776. (With Amendment): Relating to Madison County; to validate in certain cases elections held, on or after March 1, 1990, and prior to the effective date of this Act, in said County as a whole or in any school tax district therein for the purpose of authorizing a special tax for any public school or educational purpose, or for public school or educational purposes generally, under the Constitution of Alabama of 1901 or any amendment thereto; to provide for the levy and collection of any such tax; and to provide that the provisions of this act shall not apply to certain elections heretofore held or declared irregular or invalid or the validity of which is in issue in certain pending actions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

On page 2, line 26, after the comma, insert the following language: shall have been held to be invalid or unconstitutional by any Opinion of the Justices,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 1.

Yea:

Representatives Biddle, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Grayson, Haney, Hill, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, Melton, Millican, Morrow, Morton, Parker (P), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Warren, Williams, Willis and Zoghby.

-46

Nay:

Representative Hall.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 776, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Haney, Harper, Harvey, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Walker, Warren, Willis and Zoghby.

-56

Nay:

Representative Hall.

- 1

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Haynes, the Budget Isolation Resolution and the bill, H. 760, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 799, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Gaines, Gaston, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Warren, Willis and Zoghby.

-55

And the bill:

H. 799. To propose an amendment to the Constitution of Alabama of 1901 to provide for the election of the Talladega City Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Goodwin, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Thomas, Walker, Warren, White, Willis and Zoghby.

-72

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 806, was adopted.

Yeas 50; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Buskey (JL), Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Gaston, Goodwin, Haney, Harper, Hawkins, Haynes, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Warren, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 806. Relating to Talladega County; amending Act No. 87-416, H. 880, 1987 Regular Session, to increase the pistol permit fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Escott-Russell, Freeman, Gaines, Goodwin, Hall, Haney, Harper, Hawkins, Haynes, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Warren, Willis and Zoghby.

-62

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 807, was adopted.

Yeas 55; Nays 0.

Yea:

Representatives Beasley, Biddle, Blakeney, Box, Bryant, Buskey (JL), Butler, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Goodwin, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Warren, Willis and Zoghby.

-55

And the bill:

H. 807. To amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session, to exempt the City Clerk of Talladega, Alabama, from the city civil service system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Gaston, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Warren and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Haynes, the Budget Isolation Resolution and the bill, H. 808, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Blakeney, the Budget Isolation Resolution relating to the bill, H. 827, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Goodwin, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Turner, Warren and Willis.

-57

And the bill:

H. 827. To amend Section 1 of Act No. 89-721, H. 1044, 1989 Regular Session, to provide for the expense allowance of the Coroner of Marengo County and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaines, Gaston, Goodwin, Hall, Hamilton, Haney, Hill, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Walker, Warren, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 720. To relate to the improvement of public education in Mobile County; to create and establish community advisory boards in each school district; to provide for the authority, powers, and duties of the boards; and to require a budget for each individual school.

TOMMY CARTER
Chairman

And the bill, H. 720, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 760, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Hall, Hamilton, Haney, Haynes, Hill, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Walker, Warren, Williams and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 760. Relating to county health officers or administrators in Talladega County; authorizing those officers or administrators to issue official death certificates; and providing that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health for custody subject to disbursement in the interest of health services in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey (JE), Buskey (JL), Carothers, Clay, Crow, Cullins, Dolbare, Gaston, Goodwin, Haney, Haynes, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Morrow, Newton (C), Payne, Penry, Petelos, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Walker, Warren, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Representative Johnson was added as co-sponsor to the bill, H. 760.

BUDGET ISOLATION RESOLUTION

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 831, was adopted.

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Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Goodwin, Grayson, Hall, Haney, Hawkins, Hill, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Smith (C), Smith (R), Turner, Walker, Warren, Williams and Willis.

-53

And the bill:

H. 831. Authorizing the Pickens County Commission to levy additional sales and use taxes paralleling the state sales and use taxes provided for in Sections 40-23-1 to 40-23-4, inclusive, and 40-23-60 to 40-23-63, inclusive, Code of Alabama 1975; providing for the collection, distribution, and use of the proceeds of the tax; providing penalties for the enforcement of the act and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Box, Bryant, Buskey (JE), Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Williams and Willis.

-54

BUDGET ISOLATION RESOLUTION

On motion of Representative Smith (R), the Budget Isolation Resolution relating to the bill, S. 192, was adopted.

Yeas 56; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Turner, Walker, Williams and Willis.

-56

And the bill:

S. 192. Relating to Etowah County; to provide for disposition of funds collected pursuant to Section 12-17-224, Code of Alabama 1975, so as to allow the same to be deposited into the District Attorney's Fund.

was read a third time at length and passed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Holladay, Holley, Johnson, Kennedy, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turner, Venable, Walker, Warren and Willis.

-68

BUDGET ISOLATION RESOLUTION

On motion of Representative Bowling, the Budget Isolation Resolution relating to the bill, H. 826, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey (JE),

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Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turner, Venable, Walker, Warren and Willis.

-67

And the bill:

H. 826. Relating to Cullman County; to amend Section 2 of Act No. 80-549, H. 967, 1980 Regular Session (Acts 1980, p. 851) which provides further for said county personnel board, so as to provide further for the sheriff's department to be included under the civil service system.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Clay, Collins, Crow, Cullins, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Venable, Walker, White, Williams, Willis and Zoghby.

-69

Nay:

Representative Turner.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Bowling, the Budget Isolation Resolution relating to the bill, H. 825, was adopted.

Yeas 63; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Collins, Crow, Cullins, Dolbare, Drake, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Venable, Walker, White, Williams, Willis and Zoghby.

-63

Nay:

Representative Turner.

- 1

And the bill:

H. 825. Relating to Cullman County; to amend Act No. 79-574, H. 995, 1979 Regular Session, as amended, which established a county personnel board, so as to provide further for the compensation of the chairman of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Clay, Collins, Crow, Cullins, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Venable, Walker, Williams, Willis and Zoghby.

-69

Nay:

Representative Turner.

- 1

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Venable, the Budget Isolation Resolution and the bill, H. 834, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 815, was adopted.

Yeas 51; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clay, Collins, Crow, Cullins, Freeman, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Haynes, Hill, Holladay, Johnson, Kennedy, Knight, Laird, Layson, Lindsey, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Penry, Rich, Richardson, Rockhold, Smith (C), Smith (R), Turner, Venable, Walker, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 815. To amend Section 2 of Act No. 87-424, H. 799, 1987 Regular Session, to increase the levy of an additional license or privilege tax based on gross proceeds derived by lessors and renters of certain tangible personal property in Calhoun County and to provide for disposition of the additional revenues from the increase in the levy.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Escott-Russell, Freeman, Fuller, Goodwin, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Holladay, Johnson, Kennedy, Knight, Laird, Layson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Rich, Richardson, Smith (C), Smith (R), Turner, Venable, Walker, Williams, Willis and Zoghby.

-55

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Fuller, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 153.

BUDGET ISOLATION RESOLUTION

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 153, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clay, Crow, Cullins, Curry, Drake, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Turner, Venable, Walker, Williams and Willis.

-67

And the bill:

H. 153. To amend Section 36-27-50, Code of Alabama 1975, relating to temporary legislative employees, so as to provide that coverage of said employees by the state employees' retirement system and health insurance coverage shall be optional at the discretion of the employee.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 78; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-78

Nay:

Representative Holley.

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 437. Relating to the judicial system and employees of the Supreme Court, Courts of Appeal, and State Law Library; to further provide for court costs in appellate cases to be deposited in the State Law Library Fund and that such funds be invested in an interest-bearing account; and to repeal Sections 12-2-150, 12-2-151, 12-2-152, 12-2-153, 12-2-154, 12-2-155, 12-2-156, 12-2-158, and Sections 12-4-1, 12-4-2, 12-4-3, and 12-4-4, inclusive, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 437. Judiciary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Perdue, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 345. MOURNING THE DEATH OF JOHN W. ROGERS III OF BIRMINGHAM, ALABAMA.

Also:

By Representatives Cosby, Bryant and Thomas:

H.R. 346. COMMENDING THE WALLACE COMMUNITY COLLEGE SELMA, DALLAS/PERRY COUNTY VOLUNTEERS IN SERVICE TO AMERICA (VISTA) FOR OUTSTANDING CONTRIBUTION TO ADULT EDUCATION PROGRAMS.

Also:

By Representative Cosby:

H.R. 347. COMMENDING THE DALLAS COUNTY HIGH SCHOOL ODYSSEY OF THE MIND TEAM.

Also:

By Representative Cosby:

H.R. 348. COMMENDING FRED HOLMES, AGNES ALLISON, TEDDY EPPERSON, JERRY MONTGOMERY, AND ESSIX WATERS OF THE DALLAS COUNTY RSVP.

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Also:

By Representative Cosby:

H.R. 349. COMMENDING MRS. BRENDA BOWIE OF SELMA, ALABAMA.

Also:

By Representative Cosby:

H.R. 350. COMMENDING OFFICER BENNY MOTES OF SELMA, ALABAMA.

Also:

By Representative Cosby:

H.R. 351. COMMENDING THE DALLAS COUNTY DEPARTMENT OF HUMAN RESOURCES FOR ITS OUTSTANDING PUBLIC ASSISTANCE PROGRAM.

Also:

By Representative Cosby:

H.R. 352. COMMENDING THE MORGAN ACADEMY LADY SENATORS FOR WINNING THE ALABAMA INDEPENDENT SCHOOL ASSOCIATION CLASS 3A STATE CHAMPIONSHIP.

Also:

By Representative Cosby:

H.R. 353. COMMENDING THE MORGAN ACADEMY SCHOOL ODYSSEY OF THE MIND TEAM.

Also:

By Representative Cosby:

H.R. 354. COMMENDING THE MEADOWVIEW ELEMENTARY SCHOOL ODYSSEY OF THE MIND TEAM.

MOTION TO SUSPEND RULES OFFERED

Representative Barnes offered the motion to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 362.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:05 A.M. on April 23, 1992.

H. 647

Delivered to the Governor at 12:34 P.M. on April 23, 1992.

H. 605

H.J.R. 211

H.J.R. 291

Delivered to the Governor at 2:33 P.M. on April 23, 1992.

H. 670

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Harvey and pursuant to the resolution, H.R. 337, heretofore adopted, the House adjourned until 12:15 o'clock p.m., Tuesday, April 28, 1992.

Yeas 45; Nays 35.

Yea:

Representatives Black (L), Black (M), Blakeney, Bowling, Box, Buskey (JE), Butler, Cagle, Carns, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Ford, Gaston, Goodwin, Grayson, Hamilton, Haney, Harvey, Hawkins, Hill, Holladay, Laird, Layson, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Payne, Penry, Poole, Rich, Richardson, Sanderford, Smith (R), Walker, White and Willis.

Nay:

Representatives Barnes, Beasley, Biddle, Bryant, Buskey (JL), Campbell, Carothers, Clark (W), Curry, Freeman, Fuller, Gaines, Hall, Harper, Haynes, Higginbotham, Holley, Hooper, Johnson, Kennedy, Mathis, McDaniel, Melton, Morrow, Newton (D), Petelos, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Turner, Turnham, Venable and Warren.

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TWENTY-SIXTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, April 28, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Mark Hobbs, Living Word Church of Citronelle, Citronelle, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Paul Kustos, 7th Grade, Simmons Middle School, Hoover, Alabama and E. J. Vakakes, 8th Grade, Homewood Middle School, Homewood, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

**MOTION TO SUSPEND RULES AND ADOPT REPORT OF
THE STANDING COMMITTEE ON RULES**

Representative Ford offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-fifth legislative day and to adopt the Report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Representative Laird called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Ford to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-fifth legislative day, and the motion was lost, lacking a four-fifths vote.

Yeas 41; Nays 12.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bryant, Bugg, Burke, Campbell, Carothers, Carter, Clark (W), Collins, Dolbare, Ford, Freeman, Gaines, Gullatt, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Johnson, Lindsey, Mathis, McDaniel, Melton, Morrow, Penry, Petelos, Rockhold, Rogers (F), Sanderson, Smith (C), Starkey, Venable, Williams and Zoghby.

Nay:

Representatives Drake, Goodwin, Haney, Laird, McKee, McMillan, Mikell, Morton, Rich, Richardson, Sanderford and Walker.

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RECESS

On motion of Representative Campbell, the House recessed.

JOINT SESSION

Pursuant to the resolution, S.J.R. 33, the Senate and the House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by His Royal Highness Prince Khaled Bin Sultan Bin Abdulaziz of Saudi Arabia.

The joint session was called to order by the Honorable Jim Folsom, Lieutenant Governor and Presiding Officer of the Senate.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

READING OF JOURNAL

The Speaker directed the Clerk to read the Journal of the House for the twenty-fifth legislative day, and the reading commenced.

REPORT OF THE STANDING COMMITTEE ON RULES ADOPTED

The reading at length of the Journal of the House of Representatives for the twenty-fifth legislative day having been completed, and on motion of Representative Ford, the Report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-fifth legislative day was approved.

BILLS ON SECOND READING

Representative Carothers, Chairperson of the Standing Committee on

Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 872. To amend Section 22-11A-17, Code of Alabama 1975, relating to the testing for sexually transmitted diseases of persons sentenced to a jail or a correctional facility under certain circumstances, to provide further that the victim of a sexual offense may request the results of HIV testing of the offender.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 745. (With Amendment): To amend Section 2 of Act No. 433, H. 693, Regular Session 1969, approved August 19, 1969 (Acts of Alabama 1969, p. 839), as amended, relating to the fee for the issuance of pistol permits issued by the sheriff in Limestone County to further provide for the distribution of the fee.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 861. Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

H. 878. Relating to Colbert County, providing further for the compensation of the sheriff.

H. 880. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dial, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuit, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 123. COMMENDING TREVOR C. HALE FOR OUTSTANDING ACHIEVEMENT.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Drake, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 123, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Wilson, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, and Windom:

S.J.R. 118. MOURNING THE DEATH OF TIMOTHY MIZE PARKER OF TUSCALOOSA, ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Layson, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 118, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bolling:

S.J.R. 113. COMMENDING THE SOUTH LAMAR HIGH SCHOOL BASKETBALL TEAM ON WINNING THE STATE 3A CHAMPIONSHIP.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Collins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 113, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 114. COMMENDING JUANITA JONES TAYLOR FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

By Senator Ellis:

S.J.R. 115. COMMENDING DR. LARRY DeLUCAS FOR DISTINGUISHED ACHIEVEMENT.

Also:

By Senator Waggoner:

S.J.R. 116. COMMENDING THE VESTAVIA HILLS HIGH SCHOOL REBELS FOR WINNING THE STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

Also:

By Senator Waggoner:

S.J.R. 117. COMMENDING MR. SCOTT BROWN FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Buskey (JL), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 114, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Knight, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 115, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 116, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 117, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Waggoner, Wilson, and Windom:

S.J.R. 107. CONGRATULATING SENATOR AND MRS. JIM SMITH ON THE BIRTH OF THEIR DAUGHTER.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to our friends, Jim and Cheryl Smith, on the birth of their daughter; and

WHEREAS, arriving on April 14, 1992, "baby girl Smith" weighed 6 pounds-eight ounces at birth and measured 19 inches in length; and

WHEREAS, the first child for the happy Smith family was named Lauren Elizabeth, on April 16, two days following her birth, and we can only assume that the delay in selecting such a lovely name rests with father Jim who, as a member of this legislative assembly (a "deliberative" body), makes no move without "formal consultation or discussion and leisureliness of action," as defined by Random House; and

WHEREAS, we seriously, however, rejoice with our friends, Jim and Cheryl, in this happy event, and wish for them every happiness and joy of parenthood; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating Jim and Cheryl Smith on the birth of their daughter and first child, Lauren Elizabeth, and direct that a copy of this resolution be presented to our colleague, Senator Smith.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for little Lauren Elizabeth that she may later know of the happiness we shared with her parents on the occasion of her birth.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Higginbotham, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 107, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 95. MOURNING THE DEATH OF ANGELO BRUNO, MAY 29, 1924 - DECEMBER 11, 1991.

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Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 96. MOURNING THE DEATH OF LEE BRUNO, JANUARY 21, 1922 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 97. MOURNING THE DEATH OF SAM A. VACARELLA, APRIL 26, 1948 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 98. MOURNING THE DEATH OF EDWARD C. HYDE, JULY 20, 1951 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 99. MOURNING THE DEATH OF R. RANDOLPH PAGE, JR., NOVEMBER 25, 1942 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 100. MOURNING THE DEATH OF KARL MOLLIKA, NOVEMBER 3, 1954 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 101. MOURNING THE DEATH OF ROBERT B. STAMPS III MAY 2, 1964 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 102. MOURNING THE DEATH OF JOHN TESNEY, MAY 27, 1932 - DECEMBER 11, 1991.

Also:

By Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 103. MOURNING THE DEATH OF MARY FAUST, JULY 19, 1950 - DECEMBER 11, 1991.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Melton, the rules were suspended, and the House concurred in and adopted the resolutions, S.J.R. 95, S.J.R. 96, S.J.R. 97, S.J.R. 98, S.J.R. 99, S.J.R. 100, S.J.R. 101, S.J.R. 102 and S.J.R. 103, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Ghee and Dial:

S.J.R. 76. DESIGNATING THE OFFICIAL SITE FOR THE ALABAMA VETERANS OF VIETNAM MEMORIAL WALL.

Also:

By Senator Bedsole:

S.J.R. 77. URGING THE CITY AND COUNTY BOARDS OF EDUCATION TO IMPLEMENT CERTAIN COST-SAVING MEASURES.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Willis, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 76, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Holley, House Rule 62 was suspended in order to take up for immediate consideration the resolution, S.J.R. 77, the title of which is set out in the foregoing Message from the Senate.

On motion of Representative Holley, the resolution, S.J.R. 77, was read and committed to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Resolution:

S.J.R. 57. MOURNING THE DEATH OF AARON ARONOV OF MONTGOMERY, ALABAMA.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Joint Resolution No. 57, without the Governor's signature and with a suggested Executive Amendment.

Done this 9th day of April, 1992

Respectfully submitted,

G. DENNIS NABORS
Executive Secretary/
Chief of Staff

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Joint Resolution No. 57, without my approval and with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE JOINT RESOLUTION NUMBER 57:

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Please amend Senate Joint Resolution 57 on page 1, line 21 by deleting the number "1992" and inserting in lieu thereof the number "1991".

The adoption of the above suggested Executive Amendment will remove my objections to this Bill.

Done on this the 9th day of April, 1992.

Respectfully,

GUY HUNT
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, S.J.R. 57, by a vote of a majority of the whole number elected to the Senate, by voice vote.

And said Resolution, S.J.R. 57, together with the Executive amendment, is herewith sent to the House for its consideration.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution, S.J.R. 57, said Governor's amendment being set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 120. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE ALABAMA LEGISLATIVE FORESTRY STUDY COMMITTEE.

WHEREAS, the Alabama Legislative Forestry Study Committee, established by the Alabama Legislature, has had many meetings and hearings and its members have conducted exhaustive studies in all facets of Alabama's forestry programs; and

WHEREAS, it is in the best interest of the Alabama Legislature to have this Committee do additional studies and research into the area of its responsibilities, as set forth by law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is allocated an additional sum sufficient to cover the costs and expense allowances authorized for the Committee, not to exceed five thousand dollars (\$5,000), which shall be paid from any funds appropriated for the use of the Legislature.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Warren, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 120, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Denton, Little, Bennett, and Ghee:

S.J.R. 119. CREATING THE JOINT INTERIM LEGISLATIVE TASK FORCE ON THE DEVELOPMENT OF ALABAMA'S CULTURAL RESOURCES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Legislative Task Force on the Development of Alabama's Cultural Resources. The task force shall be composed of five members of each house, to be appointed by the presiding officer of each house. The directors of the Alabama Historical Commission, Alabama Museum Association, Department of Archives and History, Alabama Public Television, Alabama Public Library Service, the Alabama Indian Affairs Commission, Alabama State Council on the Arts, and the Alabama Humanities Foundation shall serve as ex officio members of the task force. The chair and vice chair of the committee shall be elected at the first meeting by the members of the task force. The task force shall study all facets of cultural resources in the state, including, but not limited to: (1) the appropriate level of state support for the development of cultural resources, (2) the level of public interest in the development of Alabama's cultural resources, (3) methods to

promote increased public support of our cultural resources, and (4) the place of cultural resources in education.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the work of the task force. The task force shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1993 Regular Session. Each member of the task force shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the task force which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the task force. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the task force shall not exceed five thousand dollars (\$5,000).

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Zoghby, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 119, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 122. URGING DR. GAINOUS, CHANCELLOR, POSTSECONDARY EDUCATION, AND THE MEMBERS OF THE STATE BOARD OF EDUCATION TO STOP CONSTRUCTION OF A JUNIOR COLLEGE BRANCH AT MILLBROOK.

WHEREAS, the authority and responsibility for the operation, control, supervision, improvement, and enlargement of each of the junior colleges and trade schools is vested in the Chancellor of Postsecondary Education, subject to the approval of the State Board of Education; and

WHEREAS, the state is currently experiencing a funding crisis with no immediate relief in sight; Governor Hunt has declared proration in the Special Educational Trust Fund for the second straight year; and

WHEREAS, the Legislature notes construction of a branch campus of a state junior college at Millbrook, Alabama; and

WHEREAS, currently there are seven institutions of higher learning within the metropolitan area of Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Gainous, Chancellor of Postsecondary Education, and the members of the State Board of Education are urged to cease construction of the junior college branch at Millbrook to avoid duplication of services during this time of crisis in state funding.

BE IT RESOLVED FURTHER, That by copy of this resolution, Dr. Gainous and the members of the State Board of Education be advised of this urgent request of the Legislature.

MCDOWELL LEE
Secretary

SENATE MESSAGE

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Holley to suspend the rules and adopt the resolution, S.J.R. 122, was lost.

The resolution, S.J.R. 122, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Denton:

S.J.R. 121. CREATING A JOINT COMMITTEE TO STUDY AND PROVIDE FOR THE CONSTRUCTION OF A VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS OR WITHIN THE STATE CAPITOL COMPLEX.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Veterans Monument Joint Study Committee. The committee shall be composed of two members of the Alabama Senate appointed by the Lieutenant Governor, two members of the House of Representatives appointed by the Speaker of the House, the Director of Veterans Affairs, and the Director of the Alabama Historical Commission.

The committee shall study the feasibility of the State of Alabama erecting a Veterans Monument honoring all veterans of all wars and conflicts, beginning with World War I, and the location, cost, and financing of the monument. The committee shall adopt and approve the design of the structure. The committee shall be authorized to establish a method for the submission and acceptance of private, tax-free donations to be used solely for the cost of erecting the monument.

The committee shall meet as soon after appointments are completed as practicable and choose one of their members as chair and another as vice-chair.

Upon request of the chair, the Clerk of the House and the Secretary of the Senate shall provide clerical assistance as may be necessary for the committee's work. The committee shall remain in effect until the monument is in place and all costs are paid at which time it shall be discharged from all duties and obligations and be dissolved. Committee members shall not receive any compensation or expenses for their services.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 121, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Floyd:

S.J.R. 112. DESIGNATING MAY 22, 1992, AS "UNITED STEEL WORKERS OF AMERICA LOCAL 2176 DAY" IN ALABAMA.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Ford, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 112, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 52. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON ELECTION LAW REFORM.

WHEREAS, it is necessary for the Legislature to provide for fair and accurate elections in a democratic society; and

WHEREAS, among other issues there exist considerable conflicts in the current election laws, the costs involved in holding elections have increased dramatically, and the increased use of absentee ballots presents a potential for abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study election law reform. The committee shall be composed of four members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the laws relating to elections.

An Advisory Committee, whose members shall receive no remuneration, shall be formed with one member being appointed by each of the following: President of the Alabama Probate Judges Association; three Judges appointed by the President of the Alabama Probate Judges Association; the President of the Alabama Association of Clerks and Registers; the President of the Alabama Association of Boards of Registrars; the President of the Alabama Sheriff's Association; the Secretary of State; and others the committee may deem advisable.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations

to the Legislature not later than the 5th legislative day of the 1993 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

MCDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 52, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Windom and Bedsole:

S.J.R. 78. REQUESTING THE U.S.S. ALABAMA BATTLESHIP COMMISSION TO STUDY THE FEASIBILITY OF ACQUIRING THE SPRUCE GOOSE, THE HK-1 (KAISER-HUGHES, 1ST AIRCRAFT) FLYING BOAT.

WHEREAS, The Legislature notes that the HK-1 Flying Boat, commonly known as the Spruce Goose, was designed by the reclusive billionaire Howard Hughes in the early 1940's; and

WHEREAS, the unique aircraft was never flown after its single test flight in 1947, which Hughes piloted; it flew one mile at a height of 70 feet; and

WHEREAS, this enormous eight-engine wooden flying boat, with room for 700 passengers, has a wingspan of 318 feet; and

WHEREAS, currently the Spruce Goose is located at Long Beach,

California, where as a major tourist attraction it draws an estimated 500,000 people annually; and

WHEREAS, the current operators of the concession facility have announced the termination of their agreement effective September 30, 1992, raising the possibility that the Spruce Goose may be relocated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U.S.S. Alabama Battleship Commission is requested to study the feasibility of moving the Spruce Goose, the HK-1 (Kaiser-Hughes, 1st Aircraft) Flying Boat to Battleship Park on Mobile Bay.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Kvalheim, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 78, set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Wilson:

S.J.R. 88. INVITING PRESIDENT CESAR GAVIRIA TRUJILLO OF THE REPUBLIC OF COLOMBIA TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, President Cesar Gaviria Trujillo was the leading force in the adoption of a new constitution for the Republic of Colombia; and

WHEREAS, the new constitution nurtures the basic principles of democracy and human rights, ideals strongly supported by President Trujillo; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request President Trujillo to address the Alabama Legislature at a time and date to be set at his convenience, whereupon the Alabama House of Representatives and the Alabama Senate will assemble in joint session to hear his remarks.

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BE IT FURTHER RESOLVED, That President Gaviria be advised, by copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 88, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 119. To provide that no municipality in Clarke County whose corporate limits do not lie within or extend into and embrace and include a portion of Choctaw County shall have or exercise police jurisdiction within Choctaw County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Choctaw County or over or on any person in Choctaw County or property or business or trade or profession in Choctaw County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Choctaw County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Choctaw County.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Dolbare, the House concurred in and adopted the Senate amendment to the bill, H. 119, said Senate amendment being as follows:

On Page 2, line 12, delete "immediately upon" and insert in lieu thereof: on the first day of the second month

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Clay, Collins, Crow, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 22. Relating to Mobile County; to provide for the levy, collection, and distribution of an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Turner, the House concurred in and adopted the Senate amendment to the bill, H. 22, said Senate amendment being as follows:

Amend House Bill 22 Page 4, Line 21, by deleting Section 6 in its entirety and inserting in lieu of the following new Section 6.:

Section 6. The proceeds from the tax hereby authorized less the actual cost of collection not to exceed three percentum (3%) shall be paid by the State Department of Revenue to the Mobile County Board of Education for the retirement of debt incurred or contracted for by the Mobile County Board of Education from April 9, 1992 to May 1, 1992. Upon satisfaction of such debt incurred or contracted for, and any renewal or extension thereof, the proceeds from the tax hereby authorized may be utilized by the Mobile County Board of Education for any other school-related purpose.

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Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Clay, Collins, Crow, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Petelos, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Zoghby intended to vote "Yea" on the motion offered by Representative Turner to concur in and adopt the Senate amendment to the bill, H. 22.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 314. Relating to Cullman County; to amend Sections 1 and 12 of Act No. 83-778, S. 559, 1983 Regular Session, to increase a county lodging tax and provide further for the use of the proceeds of the tax.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State House
Montgomery, Alabama

Lady and Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 314, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 23rd day of April, 1992.

Respectfully submitted,

G. DENNIS NABORS
Executive Secretary/
Chief of Staff

MESSAGE FROM THE GOVERNOR

To The Senate of Alabama
Alabama State Senate
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 314, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO SENATE BILL NUMBER 314:

Please amend Senate Bill Number 314 on page 1, line 22 by deleting the words ", at a lower rate,".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 23rd day of April, 1992.

Respectfully,

GUY HUNT
Governor

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. 314, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. 314, together with the Executive amendment, is herewith sent to the House for its consideration.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Drake, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 314, said Governor's amendment being set out in the foregoing Message from the Senate.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carter, Clay, Collins, Crow, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Turnham, Venable and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 470. To provide for the environmental commemorative tag program; to provide for certain fees for environmental commemorative tags to be distributed to the Alabama Environmental Education Fund to be used for environmental education; for this purpose to amend Section 32-6-150 of the Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Burke, the House non-concurred in the Senate amendment to the bill, H. 470, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the Vietnam Veteran Commemorative Program and the Environmental Commemorative Tag Program; to provide for certain fees for Vietnam Veteran commemorative tags and for environmental commemorative tags to be distributed to the Alabama Environmental Education Fund to be used for environmental education; for this purpose to amend Section 32-6-150 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to establish an Alabama Environmental Education initiative; to supplement environmental programs; to improve and maintain Alabama's environment; to create and sustain an environmental education program; to provide a basis to support environmental education programs of the various state agencies; and to create, with the assistance of the Alabama Education Department, an environmental education curriculum. For this purpose, the Alabama Vietnam Personalized and Commemorative Tag Program, the Environmental Personalized and Commemorative Tag Program, and the Alabama Environmental Education Fund are established.

Section 2. Section 32-6-150 of the Code of Alabama 1975, is amended to read as follows:

"§32-6-150.

"(a) Owners of motor vehicles who are residents of Alabama, upon application to the probate judge or commissioner of licenses complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags or plates as provided by law for private passenger or pleasure motor vehicles, and the payment of an additional annual fee of \$50.00, shall be issued personalized license tags or plates upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, figures, numbers or other marks, emblems, symbols or badges of distinction or personal prestige or combination thereof as are approved for and assigned to the application by the state department of revenue.

"(b) The special marks or badges of distinction shall include distinctive commemorative tags, assigned by the department of revenue for each of those public and private four year colleges or universities and Athens College participating in such commemorative tag program and distinctive, commemorative tags, assigned by the Department of Revenue for the Vietnam Veteran Tag Program and the Environmental Commemorative Tag Program. The commemorative tags shall be issued, printed, and processed in the same manner as other personalized tags are in this chapter. The fee for such commemorative tags shall be the

amount provided in subsection (a) herein, except for the Vietnam Veteran commemorative tag which shall be an annual additional fee of three dollars (\$3). Such commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in section 32-6-63. The board of trustees of the respective colleges and universities shall design, or have designed, the commemorative tag subject to approval by the commissioner of revenue and compliance with all laws and regulations. The Vietnam Era Council America, Alabama Chapter and the Department of Environmental Management shall design, or have designed, respectively, the personalized Vietnam Veteran and the environmental commemorative tag or plate, subject to approval of the Commissioner of Revenue and compliance with all laws and regulations except that Section 32-6-54 shall not apply to personalized environmental commemorative tags or plates. The Vietnam Era Veterans Council of America, Alabama Chapter shall certify all Vietnam Veterans eligible for commemorative tags.

"(c) The Troy State University commemorative tags issued January 1, 1987, through October 31, 1987, shall continue to be valid without payment of the additional fee provided in this section until the expiration date in the year 1992, or until otherwise becoming invalid or expired provided the regular annual license fees continue to be paid each year.

"(d) Each college or university desiring a commemorative tag shall pay to the department of revenue such sum as the commissioner may require to cover the cost of production of the tags requested by such college or university before any such production occurs.

"(e) The Vietnam Era Council America, Alabama Chapter and the Department of Environmental Management shall pay to the Department of Revenue the sum the commissioner may require to cover the costs of production of the personalized Vietnam Veteran and environmental commemorative tags, respectively, before production occurs."

Section 3. Any fees collected pursuant to this act for personalized Vietnam Veteran and environmental commemorative tags shall be distributed to the Alabama Environmental Education Fund and are appropriated each year to the Department of Environmental Management for use for environmental education; however the expenditure of those sums appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 (commencing with Section 41-4-80) of the Code of Alabama 1975. The fees represent a charitable contribution from the purchaser to the Alabama Environmental Education Fund.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict with this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend Senate Substitute for House Bill No. 470, on Page 3, Line 14, as follows:

After the period delete the words "The Vietnam Era Council America, Alabama Chapter" add in lieu thereof the words "The Vietnam Veterans of America, Alabama State Council"

Further amend on Page 3, Line 21, after the period delete the words "The Vietnam Era Veterans Council of America, Alabama Chapter" add in lieu thereof the words "The Vietnam Veterans of America, Alabama State Council."

On page 2, line 18, after the word "and" add the following underlined language: , except as provided in subsection (b),

On page 3, line 5, after the underlined figure (\$3), add the following additional underlined language: ; and except for the Environmental Commemorative Tag which shall be an annual additional fee of fifteen dollars (\$15)

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Drake, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Turner, Venable and Willis.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Burke, Lindsey and Gaston.

RESOLUTION

The following resolution was introduced:

By Representatives Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 355. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Sixtieth Wedding Anniversary, on May 1, 1992, of Mr. and Mrs. Buford C. Knight, of Greenville, Mississippi, the parents of our distinguished colleague, Representative Al Knight; and

WHEREAS, in the sight of God, Buford C. Knight and Mary Kathryn James were joined in Holy Wedlock on May 1, 1932, in Jackson, Mississippi, and these two fine people forsaking all others, have remained in said Holy State for the past 60 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Knight are beloved members of their community and are loyal citizens of the State of Mississippi; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Greenville, Mississippi, Buford and Kathryn Knight, and wish for them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Knight so that they may know of our congratulations, high esteem and warm best wishes for the future.

On motion of Representative Hill, the rules were suspended and the resolution, H.J.R. 355, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Smith (R) and Ford (With Notice and Proof):

H. 881. Relating to Etowah County; providing further for the compensation of the members of the board of equalization.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 881, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Smith (R) and Ford (With Notice and Proof):

H. 882. Relating to Class 4 municipalities which have adopted the mayor-council form of government; to provide for a method of abatement of public nuisances resulting from grass or weeds; to provide for notice and hearings for property owners; to authorize the assessment and collection of the costs of abatement; and to provide that these assessments constitute a lien upon the property.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Smith (R) and Ford (With Notice and Proof):

H. 883. Relating to Class 4 municipalities that have adopted the mayor-council form of government; to grant the right to demolish unsafe buildings and

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structures; providing for a determination of the ownership of the real property or structure and notice of hearing; to provide for the procedure for hearings and appeal to the circuit court; to authorize liens for the cost of demolition and the authority to assess and collect against property sold for these assessments.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 883, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey (With Notice and Proof):

H. 884. To authorize the Cleburne County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 884, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Lindsey (With Notice and Proof):

H. 885. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 885, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Dolbare (With Notice and Proof):

H. 886. Relating to Washington County; increasing the fee for the issuance of pistol permits by the sheriff and providing for distribution and use of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 886, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T) (With Notice and Proof):

H. 887. Relating to Tuscaloosa County, to amend Section 2 of Act No. 323, H. 514 of the 1975 Regular Session (Acts of 1975, p. 855), so as to provide that the provisions of said act relating to compensation increases for certain employees of the sheriff's department shall not be effective unless: (a) additional revenue for such additional compensation is provided to or made available to Tuscaloosa County by the legislature, or (b) the legislature grants authority to the Tuscaloosa County Commission to implement a means of raising the necessary revenue to fund the increase in compensation; and to further provide that the provisions of said act linking the compensation of certain employees of the sheriff's department to state troopers shall not apply to sheriff's department employees employed subsequent to the effective date of this amendatory act.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 887, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Poole (With Notice and Proof):

H. 888. Relating to Tuscaloosa County; authorizing the county commission to levy an additional temporary sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 888, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Box:

H. 889. To amend Section 13A-5-9, Code of Alabama, 1975, to further provide for the sentencing of habitual offenders, to provide for severability and to provide an effective date.

COMMITTEE ON JUDICIARY

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By Representative Box:

H. 890. To amend Section 13A-12-270 of the Code of Alabama, 1975, relating to increased penalties for unlawful sale of controlled substance around a housing project.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 891. To amend Section 13A-8-5 of the Code of Alabama, 1975, increasing the minimum value of property which is not taken from the person of another, which constitutes theft of property in the third degree.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 892. To repeal in its entirety Section 13A-12-250 of the Code of Alabama, 1975, dealing with the additional penalties for unlawful sale of a controlled substance within three miles of a school.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 893. To amend Section 13A-8-4, Code of Alabama, 1975, to increase the minimum value of property which is not taken from the person of another, constitutes theft of property in the second degree.

COMMITTEE ON JUDICIARY

By Representatives Penry and McMillan (With Notice and Proof):

H. 894. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 894, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Laird:

H. 895. Proposing an amendment to the Constitution of Alabama of 1901, relating to the emergency telephone service charge in Randolph County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Turner:

H. 896. To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional sales tax for education.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Laird (With Notice and Proof):

H. 897. Relating to Randolph County; to authorize an emergency telephone service charge.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 897, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Freeman:

H. 898. To amend Section 13A-14-2, Code of Alabama 1975, dealing with executive or secret sessions of certain boards, to strengthen penalties for violating the provisions of Section 13A-14-2.

COMMITTEE ON JUDICIARY

By Representatives Haynes, Johnson, Carothers, Beasley, Mathis, Newton (C), and Dolbare:

H. 899. To prohibit local governments from passing ordinances regulating pesticides.

COMMITTEE ON HEALTH

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By Representative Bryant (With Notice and Proof):

H. 900. Relating to Perry County; authorizing the county commission to construct and maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county at county expense on any gravel road or driveway leading from a public road to the residence of an abutting landowner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 900, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clay:

H. 901. To require the adoption of local board policies by certain boards of education.

COMMITTEE ON EDUCATION

By Representative Curry (With Notice and Proof):

H. 902. Relating to Jefferson County; prohibiting the county and municipalities and instrumentalities thereof from expending funds for certain personal service contracts not subject to the competitive bid laws to be performed by any person, firm, partnership, corporation, or association in which any owner, director, officer, or employee is related by blood or marriage to an elected officer of the county or municipality which is a party to the contract.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 902, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Sanderson (With Notice and Proof):

H. 903. Relating to Jefferson County; requiring records of public offices and agencies be open for inspection and duplication; providing for a judicial appeal process and an administrative investigative process; and specifying records exempt from coverage.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. 903, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Zoghby:

H. 904. To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax for capital outlay for schools.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Drake, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniell, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 356. CONGRATULATING THE UNIVERSITY OF ALABAMA ALL-CENTURY FOOTBALL TEAM.

WHEREAS, the centennial celebration of University of Alabama football kicked off at the Tuscaloosa campus on April 11 and 12, 1992, amid 500 former outstanding team members and thousands of cheering fans and alumni to celebrate one hundred years of Tide Pride and the finest athletes collegiate football has ever known; and

WHEREAS, the Alabama fans selected for the Alabama All-Century First Team Offense: Don Hutson, end, 1932-34; Ozzie Newsome, end, 1974-77; Fred

Sington, lineman, 1928-30; Vaughn Mancha, lineman, 1944-47; Dwight Stephenson, center, 1977-79; Billy Neighbors, lineman, 1959-61; John Hannah, lineman, 1970-72; Joe "Willie" Namath, quarterback, 1962-64; Kenny Stabler, quarterback, 1965-67; Bobby Marlow, running back, 1950-52; Johnny Musso, running back, 1969-71; Bobby Humphrey, running back, 1985-88; and Van Tiffin, place kicker, 1983-86; and the First Team Defense selected by the fans were: Bob Baumhower, lineman, 1973-76; Marty Lyons, lineman, 1975-78; Jon Hand, lineman, 1982-85; Lee Roy Jordan, linebacker, 1960-62; Barry Krauss, linebacker, 1976-78; Cornelius Bennett, outside linebacker, 1983-86; Derrick Thomas, outside linebacker, 1985-88; Harry Gilmer, defensive back, 1944-47; Don McNeal, defensive back, 1977-79; Jeremiah Castille, defensive back, 1979-82; Tommy Wilcox, defensive back, 1979-82, and Johnny Cain, punter, 1930-32; The Second Offense Team members selected: Al Lary, end, 1948-50; Ray Perkins, end, 1964-66; Dennis Homan, end, 1965-67; Herb Hannah, lineman, 1949-51; Cecil Dowdy, lineman, 1964-66; Joe Domnanovich, center, 1940-42; Jerry Duncan, lineman, 1964-66; Buddy Brown, lineman, 1971-73; Jim Bunch, lineman, 1976-79; Danny Ford, lineman, 1967-69; Pat Trammell, quarterback, 1959-61; Johnny Mack Brown, running back, 1923-25; Tony Nathan, running back, 1975-78; Major Ogilvie, running back, 1977-80; and Philip Doyle, place-kicker, 1987-90; and selected for Second Team Defense were: Tarzan White, lineman, 1934-36; Fred Davis, lineman, 1938-40; Don Whitmire, lineman, 1941-42; Curt Jarvis, lineman, 1983-86; Robert Stewart, lineman, 1987-91; Holt Rast, outside linebacker, 1939-41; Leroy Cook, outside linebacker, 1972-75; E. J. Junior, outside linebacker, 1977-80; Mike Pitts, outside linebacker, 1979-82; Paul Crane, linebacker, 1963-65; Woodrow Lowe, linebacker, 1972-75; Hootie Ingram, defensive back, 1952-54; Bobby Johns, defensive back, 1965-67; Mike Washington, defensive back, 1972-74; John Mangum, defensive back, 1986-89; and Dixie Howell, punter, 1932; and

WHEREAS, the legendary, beloved Paul "Bear" W. Bryant was selected as the top coach of the first hundred years and the innovative and dynamic Frank Thomas was selected as the top coach of the second All-Century Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the All-Century University of Alabama Football Teams be given copies of this resolution, and that the families of Coach Bryant and Coach Thomas be given copies, that they may know of our deep pride and pleasure of the outstanding feats these superb football All-Century Athletes performed.

On motion of Representative Drake, the rules were suspended and the resolution, H.J.R. 356, was adopted.

Also:

By Representatives Gaston, McMillan, Buskey (JE), Clark (W), Zoghby, Penry, Rockhold, Harper, Box and Kennedy:

H.J.R. 357. RECOGNIZING JOHN R. BROWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, John R. Brown entered the United States Navy and became a "Plank Owner" member of the commissioning crew of USS ALABAMA (BB 60) on 16 August 1942; and

WHEREAS, John R. Brown served with distinction as Turret Captain in charge of one third of the ALABAMA's main battery during World War II; and

WHEREAS, John R. Brown returned to active duty with the United States Army and served in combat during the Korean Conflict; and

WHEREAS, John R. Brown was commissioned and pursued a distinguished career in Army aviation until retirement; and

WHEREAS, John R. Brown has worked tirelessly to achieve the preservation, as a memorial, of the Battleship USS ALABAMA in Mobile, Alabama; and

WHEREAS, John R. Brown, assisted by his charming wife, "Mike," led efforts to form the USS ALABAMA Crewman's Association and sustained that organization through selfless coordination and support of reunions and other endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John R. Brown as the "heart and soul" of the mighty warship which, for 50 years, has carried Alabama's name, and continues to perpetuate the memory of all who served in the armed forces of the United States.

BE IT FURTHER RESOLVED, That on the Fiftieth Anniversary occasion of the commissioning of the USS ALABAMA, a copy of this resolution shall be provided for Mr. Brown in appreciation of his endeavors.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 357, was adopted.

Also:

By Representatives Morrow and Millican:

H.J.R. 358. RECOGNIZING LOONEY'S TAVERN ENTERTAINMENT COMPLEX, AND DESIGNATING "THE INCIDENT AT LOONEY'S TAVERN" AS ALABAMA'S OFFICIAL OUTDOOR MUSICAL DRAMA.

WHEREAS, the Board of Directors of Looney's Tavern Productions has created a major tourist attraction in Winston County, Alabama; and

WHEREAS, the Looney's Tavern entertainment complex offers employment to scores of North Alabama's college students and others in the North Alabama region; and

WHEREAS, "The Incident at Looney's Tavern," an historically factual musical drama staged in an impressive 1500-seat outdoor amphitheatre, showcases the proud heritage and rich history of Winston County and the North Alabama hill country, and causes this history to be a source of pride for the people of the region; and

WHEREAS, "The Incident at Looney's Tavern" also showcases the talents of the residents of North Alabama and offers live performing theatre to the residents of North Alabama; and

WHEREAS, "The Incident at Looney's Tavern" has been duly honored and distinguished by the American Bus Association as one of the "Top Hundred Events" in North America; and

WHEREAS, "The Incident at Looney's Tavern" has been duly honored and distinguished by the Southeastern Tourism Society as one of the "Top Twenty Events" in the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and highly commend the Board of Directors of Looney's Tavern Productions, Inc., for their outstanding leadership and dedication in the establishment of this outstanding entertainment complex, and do further hereby designate "The Incident at Looney's Tavern" as Alabama's Official Outdoor Musical Drama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display at the Looney's Tavern entertainment complex in Winston County, Alabama.

On motion of Representative Morrow, the rules were suspended and the resolution, H.J.R. 358, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Payne:

H.R. 359. CONGRATULATING MR. AND MRS. WARREN L. MORRISON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Representative Payne:

H.R. 360. COMMENDING THE ERWIN HIGH SCHOOL WRESTLING TEAM UPON WINNING THE 1992 STATE CHAMPIONSHIP.

Also:

The following resolutions were introduced:

By Representative Payne:

H.J.R. 361. CONGRATULATING MR. AND MRS. WARREN L. MORRISON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama notes with pleasure the Golden Wedding Anniversary, May 9, 1992, of Mr. and Mrs. Warren L. Morrison of Center Point, Alabama; and

WHEREAS, joined in matrimony on May 9, 1942, in Springville, Alabama, they have since remained steadfastly faithful to their wedding vows, and to all those who have witnessed their commitment to the ideals of marriage, the lasting partnership of Mr. and Mrs. Morrison is an enviable example of trust and devotion; and

WHEREAS, not only are Mr. and Mrs. Morrison to be congratulated on this milestone in their long and happy marriage, but also upon the character and accomplishments of their lives together; and

WHEREAS, Mr. and Mrs. Morrison, who are charter members of First Methodist Church of Center Point, are the parents of two daughters, Carolyn, married to Brian Ford, and Marilyn, married to Tony Deming; they also have three granddaughters and one grandson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation, we hereby most heartily congratulate this exemplary couple on their Golden Wedding Anniversary, and do further direct that they receive a copy of this resolution, executed in highest personal regard and with sincere best wishes for many more happy years together.

On motion of Representative Payne, the rules were suspended and the resolution, H.J.R. 361, was adopted.

Also:

By Representative Payne:

H.J.R. 362. COMMENDING THE ERWIN HIGH SCHOOL WRESTLING TEAM UPON WINNING THE 1992 STATE CHAMPIONSHIP.

WHEREAS, this Legislature takes note with pride that the Erwin High School Eagles wrestling team won the 1992 5A State Wrestling Championship, winning the first state championship in the history of the school; and

WHEREAS, in the State Tournament, the Eagles won by working better escapes and reverses and shooting better takedowns, cradles, and half nelsons for more points and pins than all of the other teams in the tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the Erwin High School Eagles wrestling team upon winning the state championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal of Erwin High School, Dr. Mike Burkett; coaches Chris Moss, Wally Higginbotham, DeWayne Roberts, Jeff Estes, and Jason Farris; and team members Chris Donaldson, Thomas Palmeira, Kevin Schultz, Jason Osborne, Joe Cash, Chris Schultz, Russell Cross, Andrew Jenkins, Paul Esary, Terry Baldwin, Danny Kyser, Randy Rich, Joel Rhodes, and Chris Crary; and matmaids, Laura Payne, Brittany Quarles, Misty Green, Tracy Odell, Misti Barnett, Kim Thrasher, Jami Davis, Martha Ann Gorman, Kristi Pritchett, Angie Palmer, Leslie Sims, Alice Edwards, Amber Baumeister, Stephanie Foote, Stephanie Watson, Jenifer Little, Tammy Bain, and Lisa Krayser.

On motion of Representative Payne, the rules were suspended and the resolution, H.J.R. 362, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 338. AMENDING JOINT RULE 12 (C) TO ALTER THE LENGTH OF PAPER ON WHICH BILLS ARE PREPARED.

MCDOWELL LEE
Secretary

H.J.R. 322 AGAIN TAKEN UP

And the resolution:

H.J.R. 322. AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

which was carried over on the twenty-fifth legislative day was again taken up.

MOTION TO ADOPT

The question was then on the motion offered by Representative Higginbotham on the twenty-fifth legislative day to adopt the resolution, H.J.R. 322.

SUBSTITUTE OFFERED

Representative Sanderson offered the following substitute #1 to the resolution, H.J.R. 322:

AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

MOTION TO TABLE LOST

The motion offered by Representative Higginbotham to table the substitute #1 offered by Representative Sanderson to the resolution, H.J.R. 322, was lost.

Yeas 40; Nays 43.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Burke, Cagle, Campbell, Carter, Cosby, Crow, Dolbare, Fuller, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Higginbotham, Hogan, Holladay, Holley, Johnson, Letson, Lindsey, Mathis, McDaniel, Melton, Morrow, Newton (C), Parker (P), Poole, Richardson, Rogers (F), Spratt, Starkey, Turnham, Venable, Warren and Willis.

-40

Nay:

Representatives Biddle, Black (L), Bowling, Bryant, Buskey (JL), Clark (W), Collins, Curry, Freeman, Gaines, Gaston, Grayson, Hall, Haney, Hawkins, Haines, Hill, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, McClain,

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McDowell, McKee, McMillan, Mikell, Morton, Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Turner and Zoghby.

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SUBSTITUTE TABLED

The question was then on the adoption of the substitute #1 offered by Representative Sanderson to the resolution, H.J.R. 322, and on motion of Representative Holley, the substitute #1 was tabled.

Yeas 47; Nays 45.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Burke, Cagle, Campbell, Carter, Collins, Cosby, Crow, Cullins, Dolbare, Ford, Fuller, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Laird, Letson, Lindsey, Mathis, McDaniel, Melton, Morrow, Newton (C), Parker (P), Poole, Rockhold, Rogers (F), Smith (C), Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Biddle, Black (L), Bowling, Bryant, Buskey (JL), Butler, Carns, Clay, Curry, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Hall, Haney, Harper, Hawkins, Hill, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, McClain, McDowell, McKee, McMillan, Mikell, Millican, Morton, Newton (D), Payne, Penry, Perdue, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Turner and Walker.

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SUBSTITUTE OFFERED

Representative Sanderson offered the following substitute #2 to the resolution, H.J.R. 322:

AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the 1991 Joint Rules of the Two Houses of the

Legislature be amended to add a new joint Rule No. 15 to read as follows:

Rule 15. It is the policy of the Alabama Legislature that no employee or any other person dealing with a member of the Legislature in an official capacity be subject to discrimination or any form of harassment on the basis of race, sex, age, handicap, or creed.

Any person or persons aggrieved by any alleged discriminatory or harassing action on the part of a legislator or legislative employee may file a written complaint with a Joint Committee composed of two members appointed by the Republican caucus of the House, two members appointed by the Black caucus of the House, two members appointed by the women's network in the House, four members appointed by the Democratic cause in the House, and a like number of members from the Senate appointed by corresponding groups in the Senate, except where there is not a sufficient number of members available for appointment from any group, the Lt. Governor may designate an alternate member. The Joint Committee, if it deems appropriate, may conduct an investigation and hearing on the complaint, and may either publicly or privately censure or reprimand a legislator or legislative employee found to violate the policy of the Legislature on discrimination or harassment. The accused legislator or legislative employee may appeal the decision of the Joint Committee to the respective chamber in which the legislator is a member or the employee is employed. Prior to taking any action to reprimand or censure a member of the Legislature or a legislative employee, the Joint Committee shall notify the member or employee alleged to have violated the policy and shall grant the member or employee an opportunity to respond at a hearing on the complaint. Since, by the very nature of a hearing on a complaint filed under this rule, the character or good name of a woman or man will be involved in the hearing, the filing of the complaint shall be confidential and the Joint Committee shall meet in executive session for purposes of hearing and deciding complaints filed under this rule. The Joint Committee shall determine if the complaint was filed in good faith. If the council deems that it was filed in good faith, there shall be no retaliatory action taken against the complainant. Any attempt at retaliatory action against a good faith complainant shall also be deemed harassment under this rule and may be the subject of another complaint that also shall be procedurally administered under this rule.

BE IT FURTHER RESOLVED, That existing Joint Rule No. 15 and the succeeding joint rules be renumbered accordingly as rules 16 through 26.

MOTION TO COMMIT LOST

The motion offered by Representative Freeman to commit the resolution, H.J.R. 322, and the pending substitute #2 to the Standing Committee on Rules was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Foshee:

S. 595. To make a supplemental appropriation of \$26,220,000 from the Public Road and Bridge Fund to the State Highway Department for fiscal year 1991-92 for federal aid matching and state maintenance.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 595. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Owens:

S. 74. To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds; amends Section 14-2-16 to provide that the bonds may be sold at public or private sale; and to provide that a present value savings must be realized prior to the issuance of refunding bonds.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 74. Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Warren:

H.R. 363. COMMENDING E. STANLEY CRAWFORD FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

By Representative Warren:

H.R. 364. COMMENDING MR. BOB MEEKS FOR OUTSTANDING ACHIEVEMENT.

H.J.R. 322 RESUMED**MOTION TO CARRY OVER TABLED**

On motion of Representative Higginbotham, the motion offered by Representative Holmes to carry over the resolution, H.J.R. 322, and the pending substitute #2 to the twenty-eighth legislative day, was tabled.

Yeas 47; Nays 31.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Bowling, Burke, Butler, Campbell, Carns, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Goodwin, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Johnson, Layson, Lindsey, Mathis, McMillan, Mikell, Millican, Newton (C), Payne, Penry, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Starkey, Turnham, Williams, Willis and Zoghby.

Nay:

Representatives Black (L), Bryant, Bugg, Buskey (JL), Cagle, Clark (W), Clay, Drake, Escott-Russell, Fuller, Gaston, Grayson, Hall, Hamilton, Haney, Hill, Holley, Holmes, Hooper, Kennedy, Kvalheim, McClain, McDowell, McKee, Melton, Morrow, Newton (D), Perdue, Smith (R), Spratt and Venable.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Williams:

H.R. 365. COMMENDING FIRST SERGEANT (RETIRED) FRANCIS M. FAIRCHILD FOR DISTINGUISHED SERVICE TO THE JROTC PROGRAM.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 119. To provide that no municipality in Clarke County whose corporate limits do not lie within or extend into and embrace and include a portion of Choctaw County shall have or exercise police jurisdiction within Choctaw County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Choctaw County or over or on any person in Choctaw County or property or business or trade or profession in Choctaw County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Choctaw County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violation thereof have force or effect in Choctaw County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 22. Relating to Mobile County; to provide for the levy, collection, and distribution of an additional county privilege, license, or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, and providing for the collection and enforcement of the tax, and distribution of the proceeds therefrom.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 338. AMENDING JOINT RULE 12 (C) TO ALTER THE LENGTH OF PAPER ON WHICH BILLS ARE PREPARED.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H.J.R. 322 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute #2 offered by Representative Sanderson to the resolution, H.J.R. 322, and the substitute #2 was adopted.

Yeas 82; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Butler, Cagle, Campbell, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

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Nay:

Representatives Burke and Melton.

- 2

And the resolution:

H.J.R. 322. AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

as amended, was adopted and ordered engrossed.

Yeas 89; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-89

Nay:

Representatives Drake, Fuller, Grayson and Spratt.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 322:

Representatives Beasley, Butler, Clark (J), Clark (W), Collins, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaston, Gullatt, Hall, Harvey, Hawkins, Higginbotham, Hogan, Hooper, Knight, Kvalheim, Laird, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morton, Newton (D), Parker (T), Perdue, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Turnham, Walker and Zoghby.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Clay and Butler:

H.J.R. 366. URGING THAT LOCAL BOARDS OF EDUCATION BE REQUIRED TO PROVIDE INFORMATION REGARDING ATTENTION DEFICIT DISORDER (ADD) AND ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD) TO EACH TEACHER IN THEIR SYSTEMS.

WHEREAS, it has been brought to the attention of the Alabama Legislature that certain individuals, having been diagnosed as having Attention Deficit

Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD), and whose performance is being substantially hindered by the aforementioned disability, may need reasonable accommodations within the regular and/or special education programs to function within their ability range; and

WHEREAS, it has been estimated that more than five percent of the total student population may be affected by ADD/ADHD; and

WHEREAS, children who remain unidentified and undiagnosed as having a neurological condition beyond their control, such as ADD/ADHD, are often labelled or perceived as disobedient, uncooperative, unmotivated, lazy, or "B-A-D" instead of "A-D-D"; and

WHEREAS, ADD and ADHD, when left untreated, can lead to greater frequency of grade retention, a higher drop-out rate, drug and alcohol rehabilitation, as well as secondary problems leading to major life difficulties with interpersonal relationships, jobs, and problems expensive to society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is imperative that all personnel in each local education agency become informed of the appropriate accommodations, assessments, and service delivery options available for educating students with Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder.

BE IT FURTHER RESOLVED, That the State Superintendent of Education send a copy of this resolution to each local superintendent of education, and that each local board of education be required annually to provide information regarding ADD/ADHD to each teacher in its system including: characteristics, procedures for identification and reporting possible ADD/ADHD students to school and parents, appropriate educational assessment, intervention strategies, and accommodations that can be made by local school personnel to allow each child to function within his or her ability and to achieve his or her highest potential.

MOTION TO SUSPEND RULES AND ADOPT

Representative Clay offered the motion to suspend the rules and adopt the resolution, H.J.R. 366.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Clay to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 366, and the motion was adopted.

MOTION TO COMMIT LOST

The motion offered by Representative Dolbare to commit the resolution, H.J.R. 366, to the Standing Committee on Rules was lost.

Yeas 13; Nays 40.

Yea:

Representatives Carns, Crow, Dolbare, Ford, Gullatt, Hamilton, Hawkins, Laird, McDowell, Mikell, Newton (C), Payne and Rockhold.

-13

Nay:

Representatives Anderson, Beasley, Black (M), Bryant, Campbell, Clark (W), Clay, Cosby, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Hill, Holmes, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McMillan, Melton, Morrow, Morton, Newton (D), Parker (T), Penry, Perdue, Powell, Rich, Rogers (F), Smith (C), Smith (R), Spratt, Turner and Zoghby.

-40

On motion of Representative Clay, the resolution, H.J.R. 366, was adopted.

Also:

By Representative Laird:

H.R. 367. MEMORIALIZING THE U. S. JUSTICE DEPARTMENT TO INVESTIGATE THE FARMERS HOME ADMINISTRATION'S OPERATIONS IN ALABAMA.

WHEREAS, the Alabama Legislature notes with concern that the Farmers Home Administration single-family program designed to assist low-income families in Alabama has been commercialized in certain areas of the state so that multifamily housing construction is taking precedence over single-family housing; and

WHEREAS, when multifamily housing construction takes precedence over single-family construction, those low-income families that want and need a home to raise their families in a single-family environment, which is much more conducive to wholesome family living than apartments, are denied that privilege intended to be afforded to Alabama citizens by Congress; and

WHEREAS, multifamily housing construction contracts in some of the less populated rural counties of Alabama costing millions of dollars are more frequently awarded to large, out-of-county contractors as opposed to local builders who are being deprived of the opportunity to earn income in their own county, as well as having the effect of reducing the tax base of the county, which again thwarts the purpose of the single-family housing program; and

WHEREAS, The Montgomery Advertiser reported in March 1991, that more than 4,700 homes could have been built over the last ten years with one hundred sixty-six million dollars for residential construction plus other millions of dollars for industrial development having been returned to Washington from Alabama for reallocation by the Alabama chief administrator of the Farmers Home Administration; and

WHEREAS, it appears to this body that the Farmers Home Administration loan program in Alabama has been converted to a self-serving vehicle for a few large contractors with political clout, thereby neglecting the very needs of rural citizens that the program was designed to help; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the U. S. Justice Department to investigate the Farmers Home Administration operations in the State of Alabama, including specifically Randolph County, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to William P. Barr, the United States Attorney General.

MOTION TO SUSPEND RULES AND ADOPT

Representative Laird offered the motion to suspend the rules and adopt the resolution, H.R. 367.

DIVISION OF THE QUESTION

Representative Ford called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Representative Laird to suspend the rules in order to take up for immediate consideration the resolution, H.R. 367, and the motion was lost, lacking a four-fifths vote.

Yeas 41; Nays 14.

Yea:

Representatives Black (L), Black (M), Blakeney, Clay, Cosby, Crow, Dolbare, Escott-Russell, Flowers, Goodwin, Grayson, Hamilton, Haney, Hawkins, Haynes, Johnson, Laird, Layson, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rich, Richardson, Sanderford, Smith (R), Spratt, Turner, Turnham, Walker, Williams and Willis.

-41

Nay:

Representatives Anderson, Beasley, Carns, Carter, Clark (W), Ford, Freeman, Hall, Harper, Kennedy, Letson, Mathis, Parker (T) and Rogers (F).

-14

The resolution, H.R. 367, was read and referred to the Standing Committee on Rules.

Also:

By Rules Committee:

H.R. 368. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-sixth legislative day, Tuesday, April 28, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 521</u> - By Harper	109
Attorney General, appointment of investigators, salaries, authority and duties provided for	

MOTION TO ADOPT OFFERED

Representative Ford offered the motion to adopt the resolution, H.R. 368.

AMENDMENT OFFERED

Representative Layson offered the following amendment to the resolution, H.R. 368:

On page 1, after line 11 and before line 12, add the following: Uncontested local bills

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Layson to the resolution, H.R. 368, was tabled.

Yeas 41; Nays 32.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Bryant, Burke, Buskey (JL), Campbell, Carns, Carothers, Carter, Clark (W), Clay, Flowers, Ford, Freeman, Grayson, Gullatt, Hall, Harper, Harvey, Haynes, Higginbotham, Hogan, Holmes, Hooper, Johnson, Kennedy, Letson, Mathis, McDowell, Morrow, Parker (T), Rockhold, Rogers (F), Smith (C), Starkey, Turner, Warren and Zoghby.

-41

Nay:

Representatives Biddle, Black (M), Blakeney, Cosby, Crow, Dolbare, Gaston, Goodwin, Hamilton, Haney, Hawkins, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Turnham and Willis.

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The question was then on the motion offered by Representative Ford to adopt the resolution, H.R. 368, and the resolution was adopted.

Yeas 44; Nays 29.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Bowling, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carns, Carter, Clark (W), Clay, Collins, Ford, Freeman, Fuller, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Holley, Hooper, Johnson, Kennedy, Letson, Lindsey, McDaniel, McDowell, Melton, Millican, Morrow, Parker (T), Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Venable, Warren and Zoghby.

-44

Nay:

Representatives Biddle, Black (M), Blakeney, Cosby, Crow, Curry, Gaines, Goodwin, Hamilton, Haney, Hill, Knight, Laird, Layson, McKee, McMillan, Mikell, Newton (C), Payne, Petelos, Poole, Rich, Richardson, Sanderford, Sanderson, Smith (R), Turner, Williams and Willis.

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SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Harper to adopt the Budget Isolation Resolution relating to the bill, H. 521, was lost, lacking a three-fifths vote.

Yeas 36; Nays 33.

Yea:

Mr. Speaker, Anderson, Black (L), Burke, Buskey (JL), Butler, Campbell, Carter, Clark (W), Ford, Freeman, Gaston, Hall, Hammett, Harper, Harvey, Haynes, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McDowell, Newton (D), Parker (P), Perdue, Rogers (F), Smith (C), Spratt, Venable, Walker, Warren, Williams and Zoghby.

-36

Nay:

Representatives Biddle, Blakeney, Carns, Cosby, Crow, Cullins, Curry, Dolbare, Gullatt, Hamilton, Haney, Hawkins, Hill, Knight, Laird, Layson, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (R), Turner and Willis.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 369. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-sixth legislative day, Tuesday, April 28, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 69</u> - By Harper	155
Alcoholic Beverage Control Bd., approp.	
<u>H. 71</u> - By Harper	156
Alcoholic Beverage Control Bd., approp.	
<u>H. 213</u> - By Harper	76
Special Schools, approp.	
<u>H. 511</u> - By Harper	170
Educational Resources, Inc., approp.	
<u>H. 292</u> - By Harper	120
Macon County Arts Manifesto, approp.	
<u>H. 616</u> - By Harper (As Amended and Substituted)	92
Utilities furnishing telephone and telegraph services, license tax abolished, gross receipts tax and utility service use tax incr., Secs. 40-1-31, 40-21-80 to 84, 40-21-86, 40-21-100 to 104 104, 40-21-121 am'd., Secs. 40-21-58, 40-21-59 repealed	
<u>H. 772</u> - By Harper (As Substituted)	127
Public School and College Authority, selling of bonds auth.	

H. 284 - By McDowell

157

Property used for educational, charitable, or religious purposes, clarifying language, consti. amend.

S. 229 - By Horn (As Substituted)

153

Finance department, telephone revolving fund, approp.

MOTION TO ADOPT OFFERED

Representative Ford offered the motion to adopt the resolution, H.R. 369.

AMENDMENT OFFERED

Representative Layson offered the following amendment to the resolution, H.R. 369:

On page 1, after line 11 and before line 12, add the following: Uncontested local bills

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Layson to the resolution, H.R. 369, was tabled.

Yeas 50; Nays 15.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Bowling, Bryant, Burke, Buskey (JL), Campbell, Carothers, Carter, Clay, Collins, Ford, Freeman, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Laird, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, Morrow, Parker (P), Petelos, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, Williams and Zoghby.

-50

Nay:

Representatives Biddle, Black (L), Carns, Cosby, Dolbare, Gaston, Haney, Holley, Kvalheim, Layson, Melton, Payne, Poole, Richardson and Smith (R).

-15

**REGULAR SESSION
26th Day**

2601

The question was then on the motion offered by Representative Ford to adopt the resolution, H.R. 369, and the resolution was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Harper to adopt the Budget Isolation Resolution relating to the bill, H. 69, was lost.

Yeas 31; Nays 40.

Yea:

Representatives Beasley, Black (L), Bryant, Burke, Buskey (JL), Cagle, Campbell, Carter, Clark (W), Curry, Drake, Ford, Gaines, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, McDowell, McMillan, Morrow, Morton, Rich, Warren and Zoghby.

-31

Nay:

Representatives Barnes, Biddle, Black (M), Bowling, Bugg, Butler, Carns, Clay, Collins, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Haney, Holladay, Holley, Laird, Layson, Lindsey, McKee, Melton, Millican, Newton (C), Parker (P), Payne, Petelos, Poole, Rockhold, Smith (C), Smith (R), Starkey, Venable, Walker and Willis.

-40

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Harper, the Budget Isolation Resolution and the bill, H. 71, were temporarily carried over.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Flowers:

H.R. 370. CONGRATULATING MR. AND MRS. CLAYTON FLOYD, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

H. 213 AGAIN TAKEN UP

And the bill:

H. 213. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1993 and, to require an operations plan and audited financial statement prior to release of any funds.

as amended, and the amendment offered by Representative Mikell on the eighteenth legislative day, were again taken up.

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 213, as amended, and to the pending amendment offered by Representative Mikell:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1993 and, to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of one million seven hundred fifty-nine thousand eight hundred and eight dollars (\$1,759,808), out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

- (a) Butler County Training School for
the Mentally Retarded in
Greenville.....27,151
- (b) Hope Haven School in Colbert
County.....36,201

REGULAR SESSION
26th Day

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- (c) Montgomery Institute of Neurological Development.....31,676
- (d) Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled.....54,302
- (e) Alice Pigman School.....113,129
- (f) Merle Wallace Purvis Center.....54,302
- (g) McGraw Activity Center.....54,302
- (h) Dallas County Day Care and Training Center.....54,302
- (i) Calhoun County Community - " E D U C A T I O N P A R EXCELLENCE".....90,503
- (j) North Talladega County Association for Retarded Citizens, Inc.....27,151
- (k) South Talladega County Association for Retarded Citizens, Inc.....27,151
- (l) ECHO FOUNDATION.....22,626
- (m) Vivian B. Adams School....257,595
- (n) M c I n n i s S c h o o l o f Montgomery.....397,309
- (o) Alan Cott School.....93,671
- (p) Children's Hands-On Museum in Tuscaloosa.....90,503
- (q) Madison County Opportunities Center.....45,252
- (r) Hope Project, formerly the Madison Park Hope Center.....18,100
- (s) Dee Day School - Cherokee County.....27,151
- (t) McKinney Learning Center....27,151

- (u) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College.....45,252
- (v) Valley Haven School.....57,581
- (w) Russellville City School for Multi-Handicapped Children.....36,201
- (x) North Alabama Education Opportunities Center.....4,525
- (y) Randolph County Learning Center.....21,721
- (z) Quest for Excellence.....25,000
- (aa) Louise Smith Development Center.....20,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1992-93, an operations plan for fiscal year 1992-93 and an audited financial statement for all operations during fiscal year 1990-91 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1992-93 funds following receipt of these reports.

Section 3. The provisions of this act are severable. If any section, paragraph, clause, provision, or item of this act be held unconstitutional, such declaration shall not affect any portion that remains.

Section 4. This act shall become effective on October 1, 1992.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P),

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Payne, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Walker and Willis.

-73

Nay:

Representative Holley.

- 1

And the bill, H. 213, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Walker, Warren and Willis.

-77

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Harper, the Budget Isolation Resolution and the bill, H. 511, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 292, was adopted.

Yeas 54; Nays 13.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Bugg, Burke, Campbell, Carothers,

Carter, Clay, Collins, Crow, Cullins, Escott-Russell, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (T), Penry, Petelos, Powell, Richardson, Rogers (F), Smith (C), Thomas, Turner, Venable and Williams.

-54

Nay:

Representatives Biddle, Cagle, Carns, Dolbare, Flowers, Haney, Hawkins, Newton (C), Parker (P), Payne, Rich, Sanderford and Smith (R).

-13

And the bill:

H. 292. To make an appropriation from the Alabama Special Educational Trust Fund to the Macon County Arts Manifesto for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to the release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 3.

Yea:

Mr. Speaker, Barnes, Beasley, Bryant, Bugg, Cagle, Carothers, Carter, Clay, Collins, Crow, Cullins, Escott-Russell, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Laird, Letson, Lindsey, Mathis, McClain, McDowell, McKee, Melton, Millican, Morrow, Morton, Newton (D), Parker (T), Penry, Petelos, Powell, Richardson, Rogers (F), Smith (C), Spratt, Starkey, Turner, Turnham, Venable, Warren, Williams and Willis.

-54

Nay:

Representatives Dolbare, Rich and Sanderford.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 192. Relating to Etowah County; to provide for disposition of funds collected pursuant to Section 12-17-224, Code of Alabama 1975, so as to allow the same to be deposited into the District Attorney's Fund.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 616, was adopted.

Yeas 68; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Lindsey, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, Williams and Zoghby.

-68

Nay:

Representative Laird.

- 1

And the bill:

H. 616. (With Substitute) (With Amendment): To amend Sections 40-1-31,

40-21-80 to 40-21-84, inclusive, 40-21-86, 40-21-100 to 40-21-104, inclusive, and 40-21-121, Code of Alabama 1975; to repeal Sections 40-21-58 and 40-21-59, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-1-31, 40-21-64, 40-21-80 to 40-21-84, inclusive, 40-21-86, 40-21-100 to 40-21-104, inclusive, and 40-21-121, Code of Alabama 1975; to repeal Sections 40-21-58 and 40-21-59, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-21-80, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-80.

(a) For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

(1) DEPARTMENT. The department of revenue of the state of Alabama.

(42) DOMESTIC WATER. All water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

(23) GROSS RECEIPTS. The value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatever, and without any deductions on account of losses. ~~"Gross receipts" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.~~

(34) GROSS SALES. The value proceeding or accruing from the furnishing of utility services, and including the proceeds from the sale of any utility services handled on consignment by the taxpayer, without any deduction on account of the

cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatever, and without any deductions on account of losses. ~~"Gross sales" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other persons.~~

(45) PERSON. An individual, firm, copartnership, association, trust, receiver, corporation or other entity, and shall specifically include the state of Alabama, every county in the state of Alabama, every municipal corporation in the state of Alabama, the United States of America and its agencies and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America and operating in the state of Alabama, as well as every private or nonpublic entity.

(56) RETAIL SALE. All sales except those defined herein as wholesale sales.

(67) TAXPAYER. Any person liable for taxes under the provisions of this article.

(78) UTILITY. Every person regularly engaged in furnishing utility services to another person ~~or other persons~~ in the state of Alabama.

(89) UTILITY SERVICES. Electricity, domestic water, natural gas, telegraph services and telephone services ~~to subscribers; provided, however, that "utility services" shall not mean electricity, domestic water, natural gas, telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing the same such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama public service commission or any successor thereto; provided further, that "utility services" shall not mean utility services stored, used or consumed by a utility.~~

(910) WHOLESALE SALE. A sale or exchange of utility services by a utility ~~to or with anyone, including any person or any other utility engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user not for resale.~~

(11) TELEPHONE SERVICES. Local telephone service and intrastate toll telephone service, private communications service, teletypewriter and computer exchange service. The term "telephone services" includes transmission by or through any media such as wires, cables, microwaves, light waves or any combination of those or similar media. It includes, but is not limited to, telephone services sold by motels and hotels to their customers or to others, telephone services sold by colleges and universities to their students or to others, and

telephone services sold by hospitals to their patients or to others. The term "telephone services" shall not include:

- (i) telephone services provided through any pay telephone;
- (ii) any excise, franchise or similar tax or like fee or assessment levied by the United States, by the State of Alabama, or by any political subdivision, upon the purchase, sale, use or consumption of any telephone services, which tax, fee or assessment is collected by the seller from the purchaser;
- (iii) the furnishing of any telephone services for resale, including access charges paid by an interexchange carrier, provided that any utility making a sale of telephone services for resale shall obtain a certificate from the purchaser of such services certifying that such services are purchased for the purpose of resale, the form of the certification to be determined by rules and regulations to be promulgated by the department;
- (iv) charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;
- (v) cable television service, paging services, specialized mobile radio or cellular mobile service; or
- (vi) services which are ancillary to the provision of telephone service but are not directly related to the transmission of voice, data or information such as directory advertising and installation and repair of equipment and inside wiring.

The term "local telephone service" means the access to a local telephone system, and the privilege of telephonic-quality communication with substantially all persons having telephone stations constituting a part of such local telephone system.

The term "toll telephone service" means (A) a telephonic-quality communication for which there is a toll charge which varies in amount according to the distance and elapsed transmission time of each individual communication, or (B) a service that entitles the subscriber or user, upon the payment of a periodic charge that is determined as a flat amount or upon some basis of total elapsed transmission time, or upon some combination thereof, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located. The term "toll telephone service" includes wide-area telephone service charges.

The term "private communications service" means a communication service that entitles the subscriber or user to exclusive or priority use of a communication channel or group of channels, regardless of whether such channel or group of

channels may be connected through switching with a service described in this subparagraph.

The terms "teletypewriter" and "computer exchange service" mean the access from a teletypewriter, telephone, computer, or other data station of which such station is a part, and the privilege of intercommunication by such station with substantially all persons having teletypewriter, telephone, computer, or other data stations constituting a part of the same teletypewriter or computer exchange system. The terms "teletypewriter" and "computer exchange service" do not include the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content.

The term "intrastate," as applied to telephone services, includes only those services originating and terminating wholly in this state.

(b) "Herein," "hereby," "hereunder," "hereof" and other such words of reference shall refer to this article as a whole, and not solely to the particular section or portion of this article in which any such word may be used.

(c) The definitions set forth in this section shall be deemed applicable whether the words defined are used in the singular or the plural."

Section 2. Section 40-21-81 Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-81.

It is the intention of the legislature of Alabama that the tax herein levied shall apply to all utilities, as defined herein, in the state of Alabama, ~~notwithstanding the fact that legislation heretofore enacted may have contained exemptions of certain of them from all taxation in the state of Alabama, including excise, privilege or license taxes. It is the intention of the legislature of Alabama by this article to repeal all prior tax exemptions to the extent said exemptions are inconsistent with this article.~~ With respect to every tax exemption which may be enacted into law subsequent to the enactment of this article, there shall be a presumption that such exemption does not apply to the tax herein levied unless the statute containing such exemption shall make a specific reference to this article and shall clearly show a legislative intention to make such exemption applicable to the tax herein levied."

Section 3. Section 40-21-82 Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-82.

(a) There is hereby levied, in addition to all other taxes of every kind now

imposed by law, and shall be collected as herein provided, a privilege or license tax against every utility ~~in the state of Alabama on account of the furnishing electricity, domestic water or natural gas in the state of Alabama of utility services by said utility; and it.~~ The amount of said tax shall be determined by the application of rates against gross sales or gross receipts, as the case may be, from the furnishing of utility such services in the state of Alabama ~~and~~. The tax shall be computed monthly with respect to each person to whom utility such services are furnished, in accordance with the following table:

If monthly gross sales or
gross receipts respecting
a person are:

The tax is:

Not over \$40,000.00	4% of such gross sales or gross receipts
Over \$40,000.00 but not over \$60,000.00	\$16,600.00 plus 3% of excess over \$40,000.00
Over \$60,000.00	\$2,200.00 plus 2% of excess over \$60,000.00

(b) There is hereby levied a privilege or license tax against every utility furnishing telegraph or telephone services in the state of Alabama. The amount of said tax shall be determined by the application of rates against gross sales or gross receipts, as the case may be, from the furnishing of such services in the state of Alabama. The tax shall be computed monthly with respect to each person to whom such services are furnished, in accordance with the following table:

If monthly gross sales or
gross receipts respecting
a person are:

The tax is:

<u>Not over \$60,000.00</u>	<u>6.5% of such gross sales or gross receipts</u>
<u>Over \$60,000.00</u>	<u>\$3,000.00 plus 3.5% of excess over \$60,000.00"</u>

Section 4. Section 40-21-83, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-83.

There are hereby specifically excluded from the gross receipts or gross

sales of a utility, ~~upon which the tax herein levied is calculated~~, all ~~portions thereof~~ revenues derived from the following:

(1) The furnishing of utility services which the state of Alabama is prohibited from taxing under the Constitution or laws of the United States of America or the Constitution of the state of Alabama;

(2) The furnishing of utility services which are otherwise taxed under the provisions of sections 40-23-1 through 40-23-36 or the Alabama Transaction Tax Act of 1992, if enacted into law;

(3) Wholesale sales;

(4) The furnishing of electricity, natural gas or domestic water for use or consumption by ~~anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business~~, in or for the direct production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water ~~thereby~~;

(5) The furnishing of electricity to a manufacturer or compounder for use in an electrolytic or electrothermal manufacturing or compounding process;

(6) The furnishing of natural gas to a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

(7) The furnishing of natural gas to be used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process; and

(8) The use or consumption of electricity by an incorporated municipality or a board or corporation organized under the authority of any incorporated municipality in furnishing or providing street lighting or traffic-control systems, the use or consumption of telephone services by an incorporated municipality in providing fire alarm system and the use or consumption of domestic water by an incorporated municipality in extinguishing fires, explosions or conflagrations."

Section 5. Section 40-21-84, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-84.

~~If a~~Any person after September 1, 1969 shall engage in or continue regularly engaging in any business for which a privilege tax is imposed by section 40-21-82 ~~as a condition precedent to engaging or continuing in such business~~, said ~~person~~ shall apply for and obtain from the department of revenue of the state of Alabama a license to engage in and to conduct the business of furnishing utility

services for the then current tax year. Such license shall be granted upon the condition that he shall the applicant must pay the all taxes accruing to the state of Alabama under the provisions of this article; provided, however, that no such license shall be issued under the provisions of this article to any person who shall has not have complied with the provisions of this article, and n. No provision of this article shall be construed as relieving any person from the payment of any license or privilege tax now or hereafter imposed by law."

Section 6. Section 40-21-86, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-86.

Every person engaged in ~~or continuing within~~ the state of Alabama in the furnishing of utility services ~~subject to the tax herein levied~~ shall add to the price or charge for such utility services to every purchaser thereof an amount equal to the prescribed percentage of the gross price or gross charge therefor and shall collect said amount from every purchaser of such utility services. It shall be unlawful for any person furnishing utility services to fail or refuse to collect from the purchaser the amount required by this section to be collected, and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of said amount or any portion thereof. The provisions of this section that the tax herein levied shall be collected from the purchaser shall in no way relieve any utility of the tax herein levied; nor shall the inability, impracticability, refusal or failure so to collect from such purchaser the amounts provided herein relieve such utility of the tax herein levied. All taxes paid in pursuance of this article shall be conclusively presumed to be a direct tax on the purchaser precollected for the purpose of convenience and facility only."

Section 7. Section 40-21-100, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-100.

(a) For the purpose of this article, the following terms shall have the respective meanings ascribed by this section:

(1) BUSINESS. All activities ~~engaged in, or caused to be engaged in,~~ relating to the furnishing of utility services.

(2) DEPARTMENT. The department of revenue of the state of Alabama.

(3) DOMESTIC WATER. All water except water that is sold to persons for use or consumption in industrial processes and not primarily for human consumption.

(4) GROSS RECEIPTS. The value proceeding or accruing from the furnishing of utility services, all receipts actual and accrued, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid or any other expense whatever, and without any deductions on account of losses. ~~"Gross receipts" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any person in connection with the business or requirements of such other person.~~

(5) GROSS SALES. The value proceeding or accruing from the furnishing of utility services, and including the proceeds from the sale of any utility services handled on consignment by the taxpayer, without any deduction on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest paid or any other expenses whatever and without any deductions on account of losses. ~~"Gross sales" shall also mean and include the reasonable and fair market value of any utility services originating with the utility or previously purchased at wholesale which are used or consumed by said utility in connection with its business or by any other person in connection with the business or requirements of such other person.~~

(6) PERSON. An individual, firm, copartnership, association, trustee, receiver, corporation or other entity, and shall specifically include the state of Alabama, every county in the state of Alabama, every municipal corporation in the state of Alabama, the United States of America and its agencies and every public corporation or entity organized under the laws of the United States of America or under the laws of any state of the United States of America and operating in the state of Alabama, as well as every private or nonpublic entity.

(7) PURCHASE. Utility services which are acquired, with or without consideration, whether such acquisition is effected by a transfer of title or of possession, or of both, or a license to use or consume, whether such transfer is absolute or conditional, and by whatsoever means the same shall have been effected.

(8) RETAIL SALE. All sales except those defined herein as wholesale sales.

(9) SALES PRICE. The total amount for which utility services shall have been sold, or, if not sold or sold for only a nominal amount, the fair market value thereof, valued in money, whether paid in money or otherwise, and includes any amount for which credit is given to the purchaser by the seller, without any deduction therefrom on account of the cost of the utility services sold, the cost of the materials used, labor or service cost, interest charged, losses or any other expenses whatever; provided, that cash discounts allowed and taken shall not be included.

(10) STORAGE. Any keeping or retention in the state of Alabama of utility services for any purpose, except sale in the regular course of business or subsequent use solely outside the state of Alabama.

(11) TAXPAYER. Any person liable for taxes under the provisions of this article.

(12) USE. The exercise of any right or power over utility services or the disposition thereof incident to a proprietary or possessory interest therein, except that it shall not include the sale of utility services in the regular course of business.

(13) UTILITY. Every person regularly engaged in furnishing utility services to another person ~~or other persons~~ in the state of Alabama.

(14) UTILITY GROSS RECEIPTS TAX. The tax levied by article 3 of this chapter.

(15) UTILITY SERVICES. Electricity, domestic water, natural gas, telegraph services and telephone services ~~to subscribers; provided, however, that "utility services" shall not mean electricity, domestic water, natural gas, telephone services or telegraph services stored, used or consumed by a utility regularly engaged in furnishing the same such services or either of them to the public, or telephone services or telegraph services which are not subject to regulation by the Alabama public service commission or any successor thereto; provided further, that "utility services" shall not mean utility services stored, used or consumed by a utility other than by a municipality or other municipal entities organized by a municipality.~~

(16) WHOLESALE SALE. A sale or exchange of utility services by a utility to ~~or with anyone, including any person or any other utility engaged in the resale of such utility services in the regular course of business, but does not include a sale of utility services by a utility to a consumer or user not for resale.~~

(17) TELEPHONE SERVICES. Local telephone service and intrastate toll telephone service, private communications service, teletypewriter and computer exchange service. The term "telephone services" includes transmission by or through any media such as wires, cables, microwaves, light waves or any combination of those or similar media. It includes, but is not limited to, telephone services sold by motels and hotels to their customers or to others, telephone services sold by colleges and universities to their students or to others, and telephone services sold by hospitals to their patients or to others. The term "telephone services" shall not include:

- (i) telephone services provided through any pay telephone;
- (ii) any excise, franchise or similar tax or like fee or assessment levied by the United States, by the State of Alabama, or by any political subdivision, upon

the purchase, sale, use or consumption of any telephone services, which tax, fee or assessment is collected by the seller from the purchaser;

(iii) the furnishing of any telephone services for resale, including access charges paid by an interexchange carrier, provided that any utility making a sale of telephone services for resale shall obtain a certificate from the purchaser of such services certifying that such services are purchased for the purpose of resale, the form of the certification to be determined by rules and regulations to be promulgated by the department;

(iv) charges for customer premises equipment, including such equipment that is leased or rented by the customer from any source;

(v) cable television service, paging services, specialized mobile radio or cellular mobile service; or

(vi) services which are ancillary to the provision of telephone service but are not directly related to the transmission of voice, data or information such as directory advertising and installation and repair of equipment and inside wiring.

The term "local telephone service" means the access to a local telephone system, and the privilege of telephonic-quality communication with substantially all persons having telephone stations constituting a part of such local telephone system.

The term "toll telephone service" means (A) a telephonic-quality communication for which there is a toll charge which varies in amount according to the distance and elapsed transmission time of each individual communication, or (B) a service that entitles the subscriber or user, upon the payment of a periodic charge that is determined as a flat amount or upon some basis of total elapsed transmission time, or upon some combination thereof, to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located. The term "toll telephone service" includes wide-area telephone service charges.

The term "private communications service" means a communication service that entitles the subscriber or user to exclusive or priority use of a communication channel or group of channels, regardless of whether such channel or group of channels may be connected through switching with a service described in this subparagraph.

The terms "teletypewriter" and "computer exchange service" mean the access from a teletypewriter, telephone, computer, or other data station of which such station is a part, and the privilege of intercommunication by such station with substantially all persons having teletypewriter, telephone, computer, or other data

stations constituting a part of the same teletypewriter or computer exchange system. The terms "teletypewriter" and "computer exchange service" do not include the storage of data or information for subsequent retrieval, the retrieval of data or information, or the processing, or reception and processing, of data or information intended to change its form or content.

The term "intrastate," as applied to telephone services, includes only those services originating and terminating wholly in this state.

(b) "Herein," "hereby," "hereunder," "hereof" and other such words of reference shall refer to this article as a whole and not solely to the particular section or portion of this article in which any such word may be used.

(c) The definitions set forth in this section shall be deemed applicable whether the words defined are used in the singular or the plural."

Section 8. Section 40-21-101 Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-101.

It is the intention of the legislature of Alabama that the tax herein levied shall be supplemental to and complementary with the utility gross receipts tax so as to prevent discrimination in the effect of the utility gross receipts tax upon either intrastate or interstate commerce. It is the intention of the legislature of Alabama that the tax herein shall apply to purchases of utility services from ~~all utilities in the state of Alabama, notwithstanding the fact that legislation heretofore enacted may have exempted certain utilities from all taxation in the state of Alabama, including excise, privilege or license taxes. It is the intention of the legislature of Alabama by this article to repeal all prior tax exemptions to the extent said exemptions are inconsistent with this article~~ any utility. With respect to every tax exemption which may be enacted into law subsequent to the enactment of this article, there shall be a presumption that such exemption does not apply to the tax herein levied unless the statute containing such exemption shall make specific reference to this article and shall clearly show a legislative intention to make such exemption applicable to the tax herein levied."

Section 9. Section 40-21-102, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-102.

(a) There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, an excise tax on the storage, use or other consumption of electricity, domestic water, and natural gas in the state of Alabama of utility services furnished by utilities, and t. The amount of said tax shall be determined by the application of rates against the sales price of

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~~said utility such services, regardless of whether the utility furnishing said utility services is or is not engaged in business in this state, except as hereinafter provided, and in the state of Alabama. The tax shall be computed monthly in accordance with the following table:~~

If the total sales price of
the utility services furnished
by a utility and stored, used
or otherwise consumed
a person in one month is:

The tax with respect to
said utility service is:

Not over \$40,000.00	4% of said sales price
Over \$40,000.00 but not over \$60,000.00	\$1,600.00 plus 3% of excess over \$40,000.00
Over \$60,000.00	\$2,200.00 plus 2% of excess over \$60,000.00

(b) There is hereby levied an excise tax on the storage, use or other consumption of telegraph services or telephone services in the state of Alabama. The amount of said tax shall be determined by the application of rates against the sales price of such services in the state of Alabama. The amount of said tax shall be computed monthly, in accordance with the following table:

If the total sales price of
the utility services furnished
by a utility and stored, used or
otherwise consumed by
a person in one month is:

The tax with respect to
said utility service is:

<u>Not over \$60,000.00</u>	<u>6.5% of said sales price</u>
<u>Over \$60,000.00</u>	<u>\$3,000.00 plus 3.5% of excess over \$60,000.00</u>

(c) Every person storing, using or otherwise consuming utility services in the state of Alabama furnished by a utility shall be liable for the tax imposed herein; and the. Such liability shall not be extinguished until said the tax shall have has been paid to the state of Alabama."

Section 10. Section 40-21-103, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-103.

The storage, use or other consumption of utility services in the state of Alabama is hereby specifically excluded from the tax herein levied:

(1) Whenever the state of Alabama is prohibited from taxing such storage, use or consumption under the Constitution or laws of the United States of America or the Constitution of the state of Alabama;

(2) Whenever any tax relating to the sale, use, storage or consumption of said utility services shall be levied under the provisions of article 2 of chapter 23 of this title, or under the provisions of sections 40-23-1 through 40-23-36; or the Alabama Transaction Tax Act of 1992 if enacted into law;

(3) Whenever the purchase of said utility services shall have been at a wholesale sale;

(4) ~~Whenever electricity, natural gas or domestic water shall have been used or consumed by anyone, including any person or utility, engaged in the sale or resale of any such utility services in the regular course of business, directly in or for the production, generation, processing, storage, delivery or transmission of electricity, natural gas or domestic water, including but not limited to loss or waste of electricity, natural gas or domestic water thereby; or whenever the storage of utility services is by anyone, including any person or utility, engaged in the sale or resale of such utility services in the regular course of business;~~

(5) Whenever electricity purchased for storage, use or other consumption is used or consumed by a manufacturer or compounder in an electrolytic or electrothermal manufacturing or compounding process;

(6) Whenever natural gas purchased for storage, use or other consumption is used or consumed by a manufacturer or compounder as a chemical raw material in the manufacturing or compounding of tangible personal property, but not as fuel or energy;

(7) Whenever natural gas purchased for storage, use or other consumption is used by a manufacturer or compounder to chemically convert raw materials prior to the use of such converted raw materials in an electrolytic or electrothermal manufacturing or compounding process;

(8) Whenever the sales price of said utility services shall be included as a part of the gross receipts or gross sales of a utility subject to the utility gross receipts tax for the purpose of calculating the utility gross receipts tax payable by said utility; and

(9) Whenever electricity purchased for storage, use or other consumption is used or consumed in a process for the isotopic enrichment of uranium and when

said electricity is purchased from a subsidiary corporation of the corporation engaged in the isotopic enrichment of uranium."

Section 11. Section 40-21-104, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-104.

Every utility, except as hereinafter provided, engaged in making retail sales of utility services for storage, use or other consumption in the state of Alabama shall, ~~within 30 days after September 1, 1969,~~ register with the department and give the name and address of its officers and directors, the location of each of its offices in the state of Alabama, the names and addresses of all persons with whom said utility has contracts for furnishing utility services by said utility, the names and addresses of all persons who have purchased utility services from said utility during the then next preceding 12 months, the amounts of the sales prices of all utility services furnished by said utility and such other information as the department may require with respect to matters pertinent to the enforcement of this article; provided, that this section of this article shall not apply to persons holding a license under the provisions of the utility gross receipts tax; provided further, that this section of this article shall not apply to the United States of America or to any agency or department of the United States of America or to any corporation exempted from so registering with the department under the Constitution or laws of the United States of America."

Section 12. Section 40-21-121, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-121.

(a) There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as provided herein, a privilege or license tax against every provider doing business in the state of Alabama on account of the furnishing of cellular radio telecommunication services in the state of Alabama by said provider. The amount of said tax shall be determined by the application of the rates against gross sales or gross receipts, as the case may be, from the monthly charges from the furnishing of cellular services in the state of Alabama and shall be computed monthly with respect to each person to whom such services are furnished at the rate of four percent, or, if less, at the rate imposed by section 40-21-82(b).

(b) Every provider subject to the tax herein levied in subsection (a) of this section shall add to the price or charge for such services and collect from every purchaser thereof an amount equal to the prescribed percentage of gross price or gross charge therefor. It shall be unlawful for any provider to fail or refuse to collect from the purchaser the amount required by this section to be collected, to refund or offer to refund all or any part of the amount collected, or to absorb or

advertise directly or indirectly the absorption or refund of said amount or any portion thereof. The provisions of this subsection that the tax herein levied shall be collected from the purchaser shall in no way relieve any provider of the tax herein levied. Nor shall the inability, impracticality, refusal or failure so to collect from such purchaser the amounts provided herein relieve such provider of the tax herein levied. All taxes paid in pursuance of this section shall be conclusively presumed to be a direct tax on the purchaser precollected for the purpose of convenience and facility only."

Section 13. Section 40-21-64, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-21-64.

No county shall levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied by this article or on any telephone or telegraph utility business."

Section 14. Section 40-1-31, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-1-31.

All revenues collected under the provisions of sections 40-12-128, 40-12-310 through 40-12-319, 40-25-1 through 40-25-28 and 40-25-40 through 40-25-47 shall, after deduction of the cost of collection, be deposited in the state treasury to the credit of the Alabama special educational trust fund. All revenues collected under the provisions of sections 40-21-56, 40-21-57, ~~40-21-58~~, 40-21-60 and 40-21-61 shall, after deduction of the cost of collection, be distributed in the following manner:

(1) Fifty-eight percent of the balance remaining after deduction of the cost of collection shall be deposited in the special mental health fund to be used for mental health purposes; and

(2) Forty-two percent of the balance remaining after deduction of the cost of collection shall be deposited in the state treasury to the credit of the Alabama special educational trust fund to be used for educational purposes."

Section 15. Section 40-21-58, Code of Alabama 1975, is hereby repealed.

Section 16. Section 40-21-59, Code of Alabama 1975, is hereby repealed.

Section 17. All other laws or parts of laws in conflict with this act are hereby repealed.

Section 18. The repeal of a prior act or part thereof by this act shall not

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affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act before its repeal.

Section 19. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the parts that were not declared invalid or unconstitutional.

Section 20. This act shall be effective for all fiscal years or periods beginning after September 30, 1992. It is the intent of the Legislature that tax rate changes provided by this act apply to all services on bills dated on or after October 1, 1992, regardless of when those services were performed.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 616 as substituted as follows:

On page 1, line 19 after the period insert "This bill also provides that \$14,600,000 of the receipts from the utility gross receipts tax shall be annually deposited to the Special Mental Health Trust Fund, beginning the fiscal year ending September 30, 1993."

Further amend the bill on page 1, line 26 after "40-21-86," by inserting "40-21-87,".

Further amend the bill on page 21 after line 28 by inserting the following and renumbering subsequent sections accordingly:

"Section 14. Section 40-21-87, Code of Alabama 1975, is hereby amended to read as follows:

'Section 40-21-87.

All taxes or other funds received or collected by the department of revenue of the state of Alabama under the provisions of this article remaining after the payment of the expenses of administration and enforcement of this article shall be without delay deposited into the state treasury to the credit of Alabama special educational trust fund except that, beginning the fiscal year ending September 30, 1993, \$14,600,000 annually shall be deposited to the Special Mental Health Trust Fund, of which one-fourth is to be deposited quarterly".'

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Clay, Collins, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Harper offered the following amendment to the bill, H. 616, as amended:

Amend House Bill 616 as substituted on page 16, line 23 by inserting the word "levied" after the word "herein".

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Also on page 8, line 9 and on page 18, line 7 delete "\$3,000.00" and insert in lieu thereof "\$3,900.00".

Also on page 17, line 23 after the word "consumed" insert the word "by".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, Williams and Willis.

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And the bill:

H. 616. To amend Sections 40-1-31, 40-21-64, 40-21-80 to 40-21-84, inclusive, 40-21-86, 40-21-87, 40-21-100 to 40-21-104, inclusive, and 40-21-121, Code of Alabama 1975; to repeal Sections 40-21-58 and 40-21-59, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Hooper, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry,

Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Payne.

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BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Harper to adopt the Budget Isolation Resolution relating to the bill, H. 772, was lost.

Yeas 40; Nays 42.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Clark (W), Clay, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gullatt, Hall, Harper, Harvey, Hogan, Holmes, Hooper, Kennedy, Mathis, McClain, McDowell, McKee, Melton, Morrow, Parker (P), Smith (C), Starkey, Thomas, Walker, Warren and Zoghby.

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Nay:

Representatives Beasley, Blakeney, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Haney, Hawkins, Haynes, Higginbotham, Holladay, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (R), Turner, Turnham, Venable, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 284, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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And the bill:

H. 284. To propose an amendment to Section 217, as amended, of the Constitution of Alabama of 1901, relating to the exemption of certain property from ad valorem taxation, to require that the organization meet specified federal requirements relating to property used for educational, charitable, or religious purposes for tax exempt status.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-83

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, S. 229, was adopted.

Yeas 80; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-80

Nay:

Representatives Mikell and Walker.

- 2

And the bill:

S. 229. (With Substitute): To make a supplemental appropriation to the Department of Finance - Telephone Revolving Fund in the amount of \$3,200,000 from the Alabama Special Educational Trust Fund and \$1,300,000 from the State General Fund for the fiscal year ending September 30, 1992.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make a supplemental appropriation to the Department of Finance - Telephone Revolving Fund in the amount of \$1,490,000 from the Alabama Special Educational Trust Fund and \$610,000 from the State General Fund for the fiscal year ending September 30, 1992.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In addition to any and all other funds of any nature whatsoever

heretofore or hereafter appropriated, there is hereby made a supplemental appropriation of \$1,490,000 for the fiscal year ending September 30, 1992, from the Alabama Special Educational Trust Fund to the Department of Finance - Telephone Revolving Fund.

Section 2. In addition to any and all other funds of any nature whatsoever heretofore or hereafter appropriated, there is hereby made a supplemental appropriation of \$610,000 for the fiscal year ending September 30, 1992, from the State General Fund to the Department of Finance - Telephone Revolving Fund.

Section 3. The provisions of this Act are severable. If any provision of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniell, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-91

And the bill, S. 229, as amended, was read a third time at length and passed.

Yeas 85; Nays 5.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Williams, Willis and Zoghby.

-85

Nay:

Representatives Hawkins, Holley, Johnson, Poole and Smith (C).

- 5

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 511, was adopted.

Yeas 70; Nays 11.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Walker, Williams and Willis.

-70

Nay:

Representatives Carothers, Cullins, Dolbare, Fuller, Haney, Haynes, Holladay, Holley, Johnson, Rich and Thomas.

-11

And the bill:

H. 511. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Incorporated (commonly known as the Freedom Forum) for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the bill, H. 511:

A BILL TO BE ENTITLED AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Incorporated (commonly known as the Freedom Forum) for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1993, the sum of one hundred fifty thousand dollars (\$150,000), out of the funds in the Alabama Special Educational Trust Fund, to Educational Resources, Incorporated (commonly known as the Freedom Forum) to be used for the support and maintenance of said program.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1992-93, an operations plan for fiscal year 1992-93 and an audited financial statement for all operations during fiscal year 1990-91 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1992-93 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1992.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-82

Nay:

Representatives Fuller, Haney, Holladay, Holley, Rich and Thomas.

- 6

And the bill, H. 511, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 14.

Yea:

Representatives Anderson, Beasley, Biddle, Bryant, Bugg, Cagle, Carns, Cullins, Curry, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Hawkins, Hill, Hogan, Holmes, Hooper, Knight, Kvalheim, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Morrow, Morton, Parker (P), Parker (T), Payne, Petelos, Powell, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt and Venable.

-48

Nay:

Representatives Black (M), Butler, Cosby, Dolbare, Fuller, Haynes, Higginbotham, Holladay, Holley, Johnson, Layson, Rich, Williams and Zoghby.

-14

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hooper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 326.

BUDGET ISOLATION RESOLUTION

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 326, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-84

And the bill:

H. 326. To make a supplemental appropriation from the Airport Development Fund to the Department of Aeronautics for the fiscal year ending September 30, 1992.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Willis and Zoghby.

-86

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 616. To amend Sections 40-1-31, 40-21-64, 40-21-80 to 40- 21-84, inclusive, 40-21-86, 40-21-87, 40-21-100 to 40-21-104, inclusive, and 40-21-121, Code of Alabama 1975; to repeal Sections 40-21-58 and 40-21-59, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 616, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 371. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-sixth legislative day, Tuesday, April 28, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 158</u> - By Butler	89
Veterans' Affairs Bd., membership to incl. representative of Military Order of the Purple Heart, Sec. 31-5-3 am'd.	
<u>H. 115</u> - By Campbell	40
Legislative Reference Service, supp. approp.	
<u>H. 34</u> - By Black M (As Substituted)	85
Pawnbrokers, licensing of, Secs. 8-1-80 through 8-1-84 repealed	

REGULAR SESSION
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H. 47 - By Holley 33

Radiation Advisory Bd. of Health, expanded to incl. veterinarian, Sec. 22-14-5 am'd.

H. 145 - By Mathis (As Substituted) 22

Alcoholic beverages, local option auth. for muns. of 4,000 or more, Secs. 28-2A-1, 28-2A-3, 28-2A-4 am'd.

H. 37 - By Turner (As Substituted) 14

State Docks Dept., employees of may enter st. merit system, benefits, retirement service credit

H. 573 - By Campbell 78

Administration of estates, personal representatives, duties and powers, Secs. 43-2-80, 43-2-81, 43-2-310, 43-2-316, 43-2-680, 43-2-681 repealed

H. 591 - By Hooper 87

One-call notification center for construction affecting underground utility facilities, provided

H. 463 - By Carothers 32

Living wills, surrogate decision makers, documents auth. to allow withholding of life sustaining treatment of cert. persons who execute a document, Secs. 22-8A-2 through 22-8A-9 am'd.

H. 377 - By McMillan (As Substituted) 96

Durable power of attorney for health care purposes auth., procedure, penalties

H. 758 - By Hooper 149

Motor Fuel Marketing Act, affidavits to meet prices of competitors under cert. circumstances, criminal penalties, Secs. 8-22-8, 8-22-13, 8-22-16 am'd.

H. 613 - By Hammett 145

Electronic voting system, implementation of pilot project by Sec. of St., reimbursement of cos. for lease-purchase of systems from election printing expense savings

<u>H. 18</u> - By Higginbotham (As Amended)	6
Foreign national prisoners, gov. auth. to extradite to native country	
<u>H. 584</u> - By Harper (As Amended)	105
Coastal areas, moratorium on sanitary landfill construction or expansion until 1995	
<u>H. 547</u> - By Johnson	83
Health, accident, or worker's comp. insurance, to reimburse health care providers within 30 days of claim, Sec. 27-1-17 repealed	
<u>H. 302</u> - By Carns	33
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>H. 408</u> - By Turnham	43
Driver licenses, notification after expiration, grace period, Sec. 32-6-1 am'd.	
<u>H. 798</u> - By Kennedy	177
Microbreweries, manufacture and sale of alcoholic beverages auth., no separation of financial and business interest classes, ABC Bd. to regulate, bond req.	
<u>H. 45</u> - By Petelos (As Amended)	17
Loan brokers reg., enforcement by Banking Dept., penalties, remedies	
<u>H. 837</u> - By Bryant	183
Agricultural aircraft and other aircraft permitted by Aeronautics Dept., auth. to use co. and mun. roads to take off and land for crop dusting, immunity, local gov. body to desig. roads to be used	
<u>H. 266</u> - By Rogers (F)	107
Judicial Retirement System, cert. retired dist. judges, retirement benefits incr.	

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H. 365 - By Campbell 121

Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close

H. 394 - By McDowell (As Amended) 82

Counties, liability for indigent residents treated at a regional referral hospital in another co., clarified, Sec. 22-21-291 am'd.

H. 640 - By Sanderson (As Amended) 125

Recording fees, add'l. fee on recording real prop. instruments levied, distrib. to State Land Surveys Div. of Conservation and Natural Resources Dept., fee to judge of probate

H. 341 - By Lindsey 20

Boat registration, notarized bill of sale req., Secs. 33-5-11, 33-5-15 and 33-5-17 am'd.

H. 387 - By Starkey 121

State employees health insurance plan, participation by add'l. entities, eligibility requirements, withdrawal, Sec. 36-29-14 am'd.

H. 51 - By Freeman 38

Budgets, Gov. req. to submit to legislature prior to each session, Sec. 41-19-7 am'd.

H. 53 - By Freeman 39

Legislative meetings, organizational, special, and annual sessions, times set for annual regular, annual budget, and any special sessions, consti. amend.

H. 570 - By Haynes 56

District attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty.'s office to operate division, criminal procedure estab.

H. 374 - By Zoghby (As Amended) 100

Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center

<u>H. 296</u> - By Warren (As Substituted)	22
Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.	
<u>H. 412</u> - By Morrow	34
Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.	
<u>H. 6</u> - By Powell (As Amended)	50
Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.	
<u>H. 259</u> - By Williams	47
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 675</u> - By Carothers	111
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
<u>H. 687</u> - By Carothers (As Amended)	112
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
<u>H. 583</u> - By Venable (As Substituted)	110
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	
<u>H. 697</u> - By Perdue	139
Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.	
<u>H. 729</u> - By McDaniel (As Amended)	150
Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.	

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2639

H. 141 - By Penry 23

Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.

H. 306 - By Beasley 16

Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.

H. 30 - By Box 13

Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction

H. 31 - By Box 14

Materialmen, civil actions against, statute of limitations

H. 123 - By Turnham 32

Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted) 102

District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.

H. 581 - By Johnson (As Amended) 186

Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.

On motion of Representative Ford, the resolution, H.R. 371, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 158, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Sanderson, Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-75

And the bill:

H. 158. To amend section 31-5-3 of the Code of Alabama 1975, which established the State Board of Veterans' Affairs, so as to add to the board a representative of the Military Order of the Purple Heart.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-82

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed resolution with the original resolution and finds same correctly engrossed, to-wit:

H.J.R. 322. AMENDING THE 1991 JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE.

TOMMY CARTER
Chairman

And the Resolution H.J.R. 322, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 115, was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Warren, Willis and Zoghby.

-74

Nay:

Representative Holley.

- 1

And the bill:

H. 115. To make an appropriation from the General Fund to the Legislative Reference Service for the fiscal year ending September 30, 1992.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Clark (W), Collins, Crow, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-81

Nay:

Representative Holley.

-1

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 34, was adopted.

Yeas 76; Nays 4.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Cagle, Campbell, Carothers, Carter, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-76

Nay:

Representatives Biddle, Carns, Morrow and Payne.

- 4

And the bill:

H. 34. (With Substitute): To establish the "Alabama Pawnshop Act"; to provide for certain definitions; to provide for the pawnshop charge which may be charged by a pawnbroker; to provide for exceptions; to provide that amounts in excess of the pawnshop charge shall be uncollectible and shall void the pawn transaction; to provide for dates of payment; to provide for prohibited acts by pawnbrokers; to provide for the duties of pawnbrokers; to provide for inspection by certain law enforcement officers; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; to provide penalties for violations of this act; and to repeal sections 8-1-80 through 8-1-84, Code of Alabama 1975.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking, said committee substitute being as follows:

To establish the "Alabama Pawnshop Act"; to provide for certain definitions; to provide for the pawnshop charge which may be charged by a pawnbroker; to provide for exceptions; to provide that amounts in excess of the pawnshop charge shall be uncollectible and shall void the pawn transaction; to provide for dates of payment; to provide for prohibited acts by pawnbrokers; to provide for the duties of pawnbrokers; to provide for regulatory licensing and inspection by certain officers and officials; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; and to repeal sections 8-1-80 through 8-1-84, Code of Alabama 1975.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Black (M) offered the following substitute to the committee substitute to the bill, H. 34:

A BILL TO BE ENTITLED AN ACT

To establish the "Alabama Pawnshop Act"; to provide for the pawnshop charge which may be charged by a pawnbroker and to provide that amounts in excess of the pawnshop charge shall be uncollectible and shall void the pawn transaction; to prohibit certain acts by pawnbrokers and provide for penalties for violations; to provide for the duties of pawnbrokers; to provide for regulatory licensing and inspection by certain officers and officials; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; to repeal Sections

8-1-80 to 8-1-84, inclusive, Code of Alabama 1975; and to make an appropriation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Alabama Pawnshop Act."

Section 2. The following words and phrases shall have the following meanings:

(1) APPROPRIATE LAW ENFORCEMENT AGENCY. The sheriff of each county in which the pawnbroker maintains an office, or the police chief of the municipality in which the pawnbroker maintains an office.

(2) ATTORNEY GENERAL. The Attorney General of the State of Alabama.

(3) PAWN TRANSACTION. Any loan on the security of pledged goods or any purchase of pledged goods on condition that the pledged goods are left with the pawnbroker and may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. A "pawn transaction" does not include the pledge to, or the purchase by, a pawnbroker of real or personal property from a customer followed by the sale or the leasing of that property back to the customer in the same or a related transaction.

(4) PAWNBROKER. Any person engaged in the business of lending money on the security of pledged goods left in pawn, or in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Notwithstanding the foregoing, the following are exempt from the definition of the term "pawnbroker" and from this act: any bank which is regulated by the State Banking Department of Alabama; the Comptroller of the Currency of the United States; the Federal Deposit Insurance Corporation; the Board of Governors of the Federal Reserve System or any other federal or state authority; and all affiliates thereof and any bank or savings and loan association whose deposits or accounts are eligible for insurance by the Bank Insurance Fund or the Savings Association Insurance Fund or other fund administered by the Federal Deposit Insurance Corporation all affiliates thereof, any state or federally chartered credit union, and any finance company subject to licensing and regulation by the State Banking Department pursuant to Sections 5-19-1 to 5-19-19, inclusive, Code of Alabama 1975.

(5) PERSON. An individual, partnership, corporation, joint venture, trust, association, or any legal entity.

(6) PLEDGED GOODS. Tangible personal property other than choses in action, securities, or printed evidences of indebtedness, which property is purchased by, deposited with, or otherwise actually delivered into the possession

of, a pawnbroker in connection with a pawn transaction.

(7) SUPERVISOR. The Supervisor of the Bureau of Loans of the State Banking Department.

Section 3. At the time of making the pawn or purchase transaction, the pawnbroker shall enter on the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

(1) A clear and accurate description of the property, including model and serial number if indicated on the property.

(2) The name, residence address, and date of birth of the pledgor or seller.

(3) Date of the pawn or purchase transaction.

(4) Type of identification and the identification number accepted from pledgor or seller.

(5) Description of the pledgor including approximate height, sex, and race.

(6) Amount of cash advanced.

(7) The maturity date of the pawn transaction and the amount due.

(8) The monthly rate and pawn charges.

Section 4. The following information shall be printed on all pawn tickets:

(1) The statement that "Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of 30 days past maturity date of the original contract, and no further notice is necessary."

(2) The statement that "The pledgor of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledgor has the right to sell or pawn the item."

(3) The statement that "The item pawned is redeemable only by the bearer of this ticket."

(4) A blank line for the pledgor's signature.

Section 5. (a) The pledgor or seller shall sign a statement verifying that the pledgor or seller is the rightful owner of the goods or is entitled to sell or pledge the goods and shall receive an exact copy of the pawn ticket which shall be signed or initialed by the pawnbroker or any employee of the pawnbroker.

(b) The pawnbroker shall maintain a record of all transactions of pledged or purchased goods on the premises. A pawnbroker shall make available to the appropriate law enforcement agency a record of the transactions. These records shall be a correct copy of the entries made of the pawn or purchase transaction, except as to the amount of cash advanced or paid for the goods and the monthly pawnshop charge.

(c) All goods purchased by the pawnbroker except for automobiles, trucks, and similar vehicles shall be maintained on the premises by the pawnbroker for at least five calendar days before the goods may be offered for resale. Automobiles, trucks, and similar vehicles shall be maintained on the premises for 21 calendar days.

Section 6. A pledgor shall have no obligation to redeem pledged goods or make any payment on a pawn transaction. Pledged goods not redeemed within 30 days following the originally fixed maturity date shall be forfeited to the pawnbroker and absolute right, title, and interest in and to the goods shall vest in the pawnbroker.

Section 7. (a) A pawnbroker may contract for and receive a pawnshop charge in lieu of interest or other charges for all services, expenses, costs, and losses of every nature but not to exceed 25 percent of the principal amount, per month, advanced in the pawn transaction.

(b) Any interest, charge, or fees contracted for or received, directly or indirectly, in excess of the amount permitted under subsection (a) shall be uncollectible and the pawn transaction shall be void. The pawnshop charge allowed under subsection (a) shall be deemed earned, due, and owing as of the date of the pawn transaction and a like sum shall be deemed earned, due, and owing on the same day of the succeeding month.

Section 8. A pawnbroker, any clerk, agent, or employee of a pawnbroker shall not do any of the following:

- (1) Fail to make an entry of any material matter in the record book.
- (2) Make any false entry therein.
- (3) Falsify, obliterate, destroy, or remove from the place of business records, books, or accounts relating to the licensee's pawn transactions.
- (4) Refuse to allow the supervisor, the appropriate law enforcement agency, the Attorney General, or any other duly authorized state or federal law enforcement officer to inspect the pawn records or any pawn goods during the ordinary hours of business or other acceptable time to both parties.
- (5) Fail to maintain a record of each pawn transaction for at least four years.

(6) Accept a pledge or purchase property from a person under the age of 19 years.

(7) Make any agreement requiring the personal liability of a pledgor or seller or waiving any of the provisions of this section or providing for a maturity date less than 30 days after the date of the pawn transaction.

(8) Fail to return or replace pledged goods to a pledgor or seller upon payment of the full amount due the pawnbroker unless the pledged goods have been taken into custody by a court or by a law enforcement officer or agency.

(9) Sell, lease, or agree to sell or lease pledged or purchased goods back to the pledgor or back to the seller and the same or related transaction.

(10) Sell or otherwise charge for insurance in connection with a pawn transaction.

Section 9. (a) Any person properly identified as pledgor or as authorized representative of the pledgor and presenting a pawn ticket to the pawnbroker shall be entitled to redeem or repurchase the pledged goods described in the ticket. In the event pledged goods are lost or damaged while in the possession of the pawnbroker, it shall be the responsibility of the pawnbroker to replace the lost or damaged goods with like kinds of merchandise and proof of replacement shall be a defense to any prosecution. For the purposes of this subsection, "lost" includes pledged goods that have been destroyed or have disappeared due to willful neglect that results in the pledged goods being unavailable for return to the pledgor.

(b) If the pawn ticket is lost, destroyed, or stolen, the pledgor shall so notify the pawnbroker in writing, and receipt of this notice shall invalidate the pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written statement of the loss, destruction, or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required by Section 3, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The statement shall be signed by the pawnbroker or the pawnshop employee who accepts the statement from the pledgor. A pawnbroker is entitled to a fee not to exceed five dollars (\$5) in connection with each lost, destroyed, or stolen pawn ticket and the taking of a properly prepared written statement for the pawn ticket.

Section 10. (a) A pawnbroker shall have a lien on the pledged goods pawned for the money advanced and the pawnshop charge owed, but not for other debts due to the pawnbroker, subject to the rights of other persons who have an ownership interest or prior liens in the pledged goods. The pawnbroker shall retain possession of the pledged goods except as otherwise herein provided until the lien is satisfied.

(b) Pledged goods not redeemed on or before the maturity date if fixed and set out in the pawn ticket issued in connection with any transaction shall be held by the pawnbroker for 30 days following that date and may be redeemed or repurchased by the pledgor or seller within the period by the payment of the originally agreed redemption price, and by the payment of an additional pawnshop charge equal to the original pawnshop charge.

Section 11. (a) A person may not engage in business as a pawnbroker unless the person has a valid license authorizing engagement in the business. A separate license is required for each place of business. The supervisor may issue more than one license to a person if that person complies with this act for each license. A new license or application to transfer an existing license is required upon any change, directly or beneficially, in the ownership of any licensed pawnshop and an application must be made to the supervisor in accordance with this act.

(b) When a licensee wishes to move a pawnshop to another location, the licensee shall give 30 days written notice to the supervisor, who shall then amend the license accordingly.

(c) Each license shall remain in full force and effect until relinquished, suspended, revoked, or expired. Every licensee, on or before each December 1st, shall pay the supervisor three hundred dollars (\$300) for each license as the annual fee for the succeeding calendar year. If the annual fee remains unpaid 30 days after written notice of delinquency has been given to the licensee by the supervisor, the license shall thereupon expire, but not before December 31st of any year for which the annual fee has been paid. All licensing and investigation fees shall be paid into the special fund established Section 5-2A-20, Code of Alabama 1975.

(d) The supervisor may issue a temporary license authorizing the operation of a pawnshop upon receipt of an application to transfer a license from one person to another, or upon the receipt of an application for a license involving principals and owners that are substantially identical to those of an existing licensed pawnshop. The temporary license shall be effective until the permanent license is issued or denied.

(e) A new license or an application to transfer an existing license shall not be required upon any change, directly or beneficially, in the ownership of a licensed pawnshop incorporated under the laws of this state or any other state if the licensee continues to operate as a corporation doing a pawnbroking business under the license. The supervisor may require the licensee to provide information deemed reasonable and appropriate concerning the officers and directors of the corporation and persons owning in excess of 25 percent of the outstanding shares of the corporation.

Section 12. (a) To be eligible for a pawnshop license, an applicant shall:

(1) Operate lawfully and fairly within the purposes of this act.

(2) Not have been convicted of a felony within the last 10 years or not be acting as a beneficial owner for someone who has been convicted of a felony within the last 10 years.

(b) The application shall be accompanied by a fee of one hundred dollars (\$100) to be paid to the supervisor if the applicant does not possess an existing license at the time of applying for the pawnshop license. If the application involves a second or additional license to an applicant previously licensed for a separate location or involves substantially identical principals and owners of a licensed pawnshop at a separate location. The application shall be accompanied by a fee of one hundred dollars (\$100).

Section 13. (a) The supervisor may, after notice and hearing, suspend or revoke any license upon a finding that:

(1) The licensee, either knowingly or without the exercise of due care to prevent the same, has violated this act.

(2) A fact or condition exists which, if it had existed or had been known to exist at the time of the original application for a license, would have justified the supervisor in refusing a license.

(3) The licensee has aided, abetted, or conspired with an individual or person to circumvent or violate the requirements of this act.

(4) The licensee or a legal or beneficial owner of the license has been convicted of a crime that the supervisor finds directly relates to the duties and responsibilities of the occupation of pawnbroker.

(b) The supervisor may conditionally license or place on probation a person whose license has been suspended or may reprimand a licensee for a violation of this act.

(c) The manner of giving notice and conducting a hearing, as required by subsection (a), shall be as required by Sections 41-22-12 and 41-22-13 of the Code of Alabama 1975.

(d) Any licensee may surrender a license by delivering it to the supervisor with written notice of its surrender. Notwithstanding the foregoing, this surrender shall not affect the civil or criminal liability of the licensee for acts committed prior to surrendering of the license.

(e) No revocation, suspension, or surrender of a license shall impair or affect the obligation of any pre-existing lawful contract between the licensee and any pledgor. Any pawn transaction made without benefit of license is void.

(f) The supervisor may reinstate suspended licenses or issue new licenses to a person whose license or licenses have been revoked if no fact or condition then exists which would have justified the supervisor in refusing originally to issue a license under this act.

Section 14. (a) An application for a new pawnshop license, the transfer of an existing pawnshop license, or the approval of a change in the ownership of a licensed pawnshop shall be under oath and shall state the full name and place of residence of the applicant, the place where the business is to be conducted, and other relevant information required by the supervisor. If the applicant is a partnership, the application shall state the full name and address of each partner. If the applicant is a corporation, the application shall state the full name and address of each officer, shareholder, and director.

(b) Notwithstanding the foregoing, the application need not state the full name and address of each shareholder, if the applicant is owned directly or beneficially by a person which as an issuer has a class of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, or pursuant to Section 15 (d) is an issuer of securities which is required to file reports with the Securities and Exchange Commission, if the person files with the supervisor any information, documents, and reports required by that act to be filed with the Securities and Exchange Commission.

Section 15. (a) No pledged or purchased goods may be confiscated if the property pledged to, or purchased by, a pawnbroker may be put on a seven-day hold by the authorized law enforcement authorities, but the pledged or purchased property may not be placed on hold unless:

- (1) A police report is made in a timely manner.
 - (2) A warrant is sworn out for the person who pledged or sold the goods to the pawnbroker or for alias if the person is unknown.
 - (3) A warrant or writ is issued for the merchandise to be confiscated along with a request for restitution, pursuant to law.
- (b) This section shall not affect the right of any person who has an ownership interest or prior lien in the pledged or purchased goods.

Section 16. Any person who engages in the business of operating a pawnshop without first securing the license prescribed by this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not in excess of one thousand dollars (\$1,000) or by confinement in the county jail for not more than one year, or for both.

Section 17. (a) In addition to any other penalty which may be applicable, any licensee who willfully violates this act or who willfully makes a false entry in

any record specifically required by this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not in excess of one thousand dollars (\$1,000) per violation or false entry.

(b) Compliance with this act shall be enforced by the supervisor who may exercise any authority conferred by law.

(c) When the supervisor has reasonable cause to believe that a person is violating this act, the supervisor, in addition to and without prejudice to the authority provided elsewhere in this act, may enter an order requiring the person to stop or to refrain from the violation. The supervisor may sue in any circuit court of the state having jurisdiction and venue to enjoin the person from engaging in, continuing the violation, or from doing any act in furtherance of the violation. In an action, the court may enter an order or judgment awarding a preliminary or permanent injunction.

Section 18. The Department of Public Safety on request shall supply to the supervisor any available arrest and conviction records of an individual applying for or holding a license under this act.

Section 19. In addition to all other appropriations heretofore or hereafter made, there is appropriated one hundred twenty thousand dollars (\$120,000) to the State Banking Department from the Banking Assessments Fees Fund for the 1992 fiscal year, to be utilized for the implementation and administration of this act.

Section 20. Any municipality may enact ordinances which are in compliance with but not more restrictive than this act. Any existing or future order, ordinances, or regulation which conflicts with this provision shall be null and void.

Section 21. All laws or parts of laws which conflict with this act are hereby repealed; and Sections 8-1-80 to 8-1-84, inclusive, Code of Alabama 1975, are specifically repealed. Notwithstanding the foregoing, all persons currently doing business as pawnbrokers and those seeking licensure under this act, shall be subject to the applicable licensing and issuance fees levied under Chapter 12 of Title 40 of the Code of Alabama 1975. This act shall not repeal or be construed to repeal any provision of the Uniform Commercial Code, Sections 7-1-101 et seq.

Section 22. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 23. Pawnbrokers operating pawnshop locations in business on the effective date of this act shall have until the beginning of the next licensing year after this act becomes effective to apply for a license under this act and to pay the required fee, and upon such application and payment of such required fee shall be granted a license under this act.

Section 24. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Black (M) was adopted.

Yeas 68; Nays 6.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bugg, Burke, Buskey (JL), Butler, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Harvey, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-68

Nay:

Representatives Anderson, Biddle, Fuller, Hawkins, Holley and Spratt.

- 6

H. 34 TEMPORARILY CARRIED OVER

On motion of Representative Black (M), the bill, H. 34, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Holley, the Budget Isolation Resolution relating to the bill, H. 47, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins,

Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-85

Nay:

Representative Gaines.

- 1

And the bill:

H. 47. To amend Section 22-14-5, Code of Alabama 1975, as amended, relating to the composition of the radiation advisory board, so as to include the appointment of a veterinarian; and to provide for the manner of such appointment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-85

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Mathis to adopt the Budget Isolation

Resolution relating to the bill, H. 145, was lost, lacking a three-fifths vote.

Yeas 35; Nays 32.

Yea:

Mr. Speaker, Anderson, Beasley, Bugg, Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Freeman, Gaston, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Richardson, Spratt, Starkey, Williams and Zoghby.

-35

Nay:

Representatives Biddle, Black (M), Blakeney, Burke, Butler, Carns, Collins, Cosby, Cullins, Curry, Fuller, Haney, Hawkins, Hill, Hogan, Knight, Laird, Layson, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Payne, Penry, Rockhold, Rogers (F), Smith (C), Turnham, Walker and Warren.

-32

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Turner to adopt the Budget Isolation Resolution relating to the bill, H. 37, was lost.

Yeas 42; Nays 42.

Yea:

Representatives Anderson, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey (JL), Cagle, Carter, Clark (W), Crow, Dolbare, Escott-Russell, Fuller, Grayson, Hall, Harper, Harvey, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Mathis, McClain, McDowell, Melton, Parker (P), Payne, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turner, Walker, Williams and Willis.

-42

Nay:

Representatives Beasley, Blakeney, Bowling, Bugg, Campbell, Collins, Cosby, Curry, Freeman, Gaines, Gaston, Hammett, Haney, Hawkins, Higginbotham, Hooper, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Penry, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (R), Turnham, Venable, Warren and Zoghby.

-42

H. 34 RESUMED

AMENDMENT OFFERED

Representative Walker offered the following amendment to the bill, H. 34, as amended:

On page 8, on line 28 delete the language "three hundred dollars (\$300.00)" and insert: \$100.00

On page 9, on line 30 delete the language "one hundred dollars (\$100.00)" and insert in lieu: \$50.00

On page 10, on line 3, delete the language "one hundred dollars (\$100.00)" and insert in lieu: \$50.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 49; Nays 18.

Yea:

Representatives Anderson, Biddle, Box, Buskey (JL), Cagle, Carns, Collins, Crow, Dolbare, Escott-Russell, Flowers, Fuller, Gullatt, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Penry, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Spratt, Turnham, Walker, Williams and Willis.

-49

Nay:

Representatives Beasley, Black (L), Black (M), Bowling, Bryant, Bugg, Burke, Butler, Campbell, Carter, Clark (W), Freeman, Gaston, Hall, Hill, Holladay, Kennedy and Kvalheim.

-18

AMENDMENT OFFERED

Representative Sanderford offered the following amendment to the bill, H. 34, as amended:

Amend H. 34 on page 5, Section 5, line 15 by striking after the word least five calender and inserting in lieu thereof, the following: fifteen business

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 52; Nays 18.

Yea:

Representatives Black (M), Blakeney, Bowling, Box, Bryant, Butler, Clark (W), Collins, Crow, Curry, Dolbare, Escott-Russell, Flowers, Gaston, Grayson, Gullatt, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morton, Penry, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Williams, Willis and Zoghby.

-52

Nay:

Representatives Anderson, Beasley, Biddle, Black (L), Bugg, Burke, Cagle, Campbell, Carter, Freeman, Hall, Holladay, Letson, McDowell, Morrow, Newton (C), Payne and Starkey.

-18

And the bill:

H. 34. To establish the "Alabama Pawnshop Act"; to provide for the pawnshop charge which may be charged by a pawnbroker and to provide that amounts in excess of the pawnshop charge shall be uncollectible and shall void the pawn transaction; to prohibit certain acts by pawnbrokers and provide for penalties for violations; to provide for the duties of pawnbrokers; to provide for regulatory licensing and inspection by certain officers and officials; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; to repeal Sections 8-1-80 to 8-1-84, inclusive, Code of Alabama 1975; and to make an appropriation.

was amended, was read a third time at length and passed, and ordered engrossed.

Yeas 63; Nays 16.

REGULAR SESSION
26th Day

2657

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Cagle, Campbell, Carter, Clark (W), Crow, Dolbare, Escott-Russell, Flowers, Ford, Gaston, Goodwin, Gullatt, Hammett, Haney, Harper, Harvey, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morton, Penry, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-63

Nay:

Representatives Biddle, Butler, Collins, Curry, Freeman, Fuller, Hall, Hawkins, Holley, Layson, Millican, Morrow, Newton (C), Payne, Poole and Williams.

-16

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 573, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-87

And the bill:

H. 573. To codify the law regarding devolution of an estate at death and provide restrictions; to provide further for the duties and powers of a personal

representative of an estate; to provide further for payment of expenses in estate litigation and employment of agents and employees of the estate; to provide for bonding requirements of a personal representative or special administrator; to repeal Sections 43-2-80, 43-2-81, 43-2-273, 43-2-310, 43-2-315, and 43-2-316, Code of Alabama 1975; and to provide that this act shall become effective January 1, 1993.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-86

MOTION TO ADJOURN LOST

The motion offered by Representative Payne that the House adjourn was lost.

H.R. 371 AGAIN TAKEN UP

AMENDMENT OFFERED

Representative Holley offered the following amendment to the resolution, H.R. 371, which was previously adopted:

Amend H.R. 371 on page 1, adding after line 31 the following:

H. 521 By Harper

p. 109

Attorney General investigators

MOTION IN WRITING LOST

Representative Hall offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was lost.

Yeas 27; Nays 37.

Yea:

Representatives Beasley, Bowling, Box, Butler, Cagle, Carter, Collins, Crow, Dolbare, Freeman, Fuller, Hall, Hammett, Harper, Harvey, Haynes, Hooper, Johnson, McDaniel, Millican, Morrow, Penry, Smith (C), Starkey, Walker, Warren and Zoghby.

-27

Nay:

Representatives Biddle, Black (L), Blakeney, Bugg, Carns, Cosby, Cullins, Curry, Flowers, Gaines, Haney, Hawkins, Hill, Hogan, Knight, Laird, Layson, McClain, McDowell, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Turnham, Venable and Williams.

-37

AMENDMENT LOST

The question was then on the adoption of the amendment offered by Representative Holley to the resolution, H.R. 371, and the amendment was lost, lacking a three-fifths vote as required by House Rule 9.

Yeas 39; Nays 38.

Yea:

Mr. Speaker, Anderson, Beasley, Bowling, Box, Butler, Cagle, Clark (W), Collins, Crow, Dolbare, Escott-Russell, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Holley, Hooper, Kennedy, Kvalheim, Mathis, McDaniel, Melton, Millican, Morrow, Penry, Petelos, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Warren and Zoghby.

-39

Nay:

Representatives Black (L), Black (M), Blakeney, Bryant, Bugg, Carns, Carothers, Carter, Cosby, Cullins, Curry, Ford, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Johnson, Knight, Laird, Layson, Lindsey, McClain, McDowell, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Poole, Powell, Rich, Richardson, Sanderford, Sanderson and Smith (R).

-38

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 591, was adopted.

Yeas 60; Nays 9.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Morrow, Morton, Parker (P), Petelos, Rich, Rockhold, Rogers (F), Sanderson, Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-60

Nay:

Representatives Blakeney, Collins, Dolbare, Hill, Laird, Mikell, Newton (C), Payne and Poole.

- 9

MOTION TO ADJOURN LOST

The motion offered by Representative Poole that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 15; Nays 62.

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Yea:

Representatives Black (L), Cosby, Cullins, Grayson, Haney, Laird, Layson, McKee, Mikell, Newton (C), Poole, Richardson, Sanderford, Venable and Williams.

-15

Nay:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Crow, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDowell, McMillan, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Walker, Warren, Willis and Zoghby.

-62

SPECIAL ORDER CALENDAR RESUMED

And the bill:

H. 591. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1993.

was taken up.

AMENDMENT OFFERED

Representative Hooper offered the following amendment #1 to the bill,
H. 591:

Amend House Bill 591 on page 4, line 30 after the word "duties." by inserting the following: Provided further, that such term does not include and no provision of this act shall apply to any county or its officials, employees, agents or representatives while in the performance of their duties.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Petelos, Poole, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-74

AMENDMENT OFFERED

Representative Hooper offered the following amendment #2 to the bill, H. 591, as amended:

Amend H. 591 on Page 15, line 3, by adding the following language after the word "act": Nothing in this act is admissible in defense of any party in a civil action.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins,

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Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-76

And the bill, H. 591, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 10.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Powell, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, Williams and Willis.

-68

Nay:

Representatives Collins, Dolbare, Freeman, Hall, Haynes, Johnson, Newton (C), Payne, Poole and Rockhold.

-10

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 122. To revise the Alabama Workmen's Compensation Law; to amend Articles 1, 3, and 4 of Chapter 5 of Title 25, Code of Alabama 1975; to establish a workers' compensation ombudsman program, benefit review conferences; to create the Workers' Compensation Trust Fund and provide for assessments on insurers, self-insured employers, and groups of insurers, and to repeal Sections

25-5-16, 25-5-70 to 25-5-75, inclusive, 25-5-81, and Sections 25-5-140 to 25-5-180, inclusive, Code of Alabama 1975.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Lindsey, and Hale.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Beasley, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 122.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Beasley, McDaniel and Fuller.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 463, was adopted.

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Yeas 73; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-73

Nay:

Representative Curry.

- 1

And the bill:

H. 463. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, and 22-8A-9, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the withholding or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances that are not necessarily limited to terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C),

Smith (R), Starkey, Turner, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-78

Nay:

Representatives Curry and Gaines.

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 377, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-75

And the bill:

H. 377. (With Substitute): Providing for a durable power of attorney for health care purposes, prescribing certain criminal penalties, and specifying a prospective application date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 26-1-2, Code of Alabama 1975, so as to authorize the appointment of an attorney in fact to make health care decisions on behalf of a

principal in the event that the principal can no longer make or communicate those decisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 26-1-2, Code of Alabama 1975, is hereby amended to read as follows:

"§26-1-2.

"Creation of durable power of attorney; effect of acts performed pursuant to durable power of attorney during period of disability, etc., of principal; appointment by court of guardian, etc., subsequent to execution of durable power of attorney; effect of death of principal upon agency relationship and validity of acts of person acting under power of attorney; execution, etc., of affidavit by person exercising power of attorney as to lack of knowledge of revocation, etc., of power of attorney.

(a) A durable power of attorney is a power of attorney by which a principal designates another his attorney in fact or agent in writing and the writing contains the words "This power of attorney shall not be affected by disability, incompetency, or incapacity of the principal" or "This power of attorney shall become effective upon the disability, incompetency, or incapacity of the principal" or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's subsequent disability, incompetency or incapacity.

(b) All acts done by an attorney in fact pursuant to a durable power of attorney during any period of disability, incompetency or incapacity of the principal have the same effect and inure to the benefit of and bind the principal and his successors in interest as if the principal were competent, not disabled and not incapacitated.

(c) (1) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a guardian, curator or other fiduciary charged with the management of all the principal's property or all of his property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the power of attorney that the principal would have had if he were not disabled, incompetent or incapacitated.

(2) A principal may nominate, by a durable power of attorney, the guardian, curator or other fiduciary for consideration by the court if proceedings to appoint a fiduciary for the principal are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(d) (1) The death of a principal who has executed a written power of

attorney, durable or otherwise, does not revoke or terminate the agency as to the attorney in fact or other person who, without actual knowledge of the death of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the successors in interest of the principal.

(2) The disability, incompetency or incapacity of a principal who has previously executed a written power of attorney that is not a durable power does not revoke or terminate the agency as to the attorney in fact or other person who, without actual knowledge of the disability, incompetency or incapacity of the principal, acts in good faith under the power. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his successors in interest.

(e) As to acts undertaken in good faith reliance thereon, an affidavit executed by the attorney in fact under a power of attorney, durable or otherwise, stating that he did not have, at the time of the exercise of the power, actual knowledge of the termination of the power by revocation or of the principal's death, disability, incompetency or incapacity is conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power of attorney requires execution and delivery of any instrument that is recordable, the affidavit, when authenticated for record, is likewise recordable.

(f) This section shall not affect any provision in a power of attorney for its termination by expiration of time or occurrence of an event other than express revocation or a change in the principal's capacity. (Acts 1981, No. 81-98, p. 117.)

(g) (1) A principal may designate under a durable power of attorney an individual who shall be empowered to make health care decisions on behalf of the principal, if in the opinion of the principal's attending physician, the principal is no longer able to give directions regarding a particular health care decision and such diagnosis is documented in the principal's medical record. Subject to the express limitation on the authority of the attorney in fact contained in the durable power of attorney, the attorney in fact may make any health care decision on the principal's behalf that the principal could make but for the principal's lack of capacity to make such decisions, but not including psychosurgery, sterilization, or involuntary hospitalization or treatment covered by Subtitle 2 of Title 22 of the Code of Alabama 1975. A durable power of attorney executed pursuant to this section may be revoked by a written revocation signed and dated by the principal or person acting at the direction of the principal, by being obliterated, burnt, torn or otherwise destroyed or defaced in a manner indicating intention to cancel or by a verbal expression of intent to revoke made in the presence of a witness nineteen (19) years of age or older who signs and dates a writing confirming such expression.

(2) Notwithstanding anything in this section to the contrary, an attorney in fact shall have the authority to make decisions regarding the withholding or

withdrawal of life sustaining treatment and artificially provided nutrition and hydration only if specifically authorized to do so in the durable power of attorney and only if such durable power of attorney is executed and implemented pursuant to the provisions of the Natural Death Act (Section 22-8A-1 through 22-8A-7, Code of Alabama 1975). All durable powers of attorney executed prior to the effective date of this Act shall be effective to the extent specifically provided therein notwithstanding the provisions of this Section (g)(2).

(3) Unless the durable power of attorney expressly provides otherwise, if, after executing a durable power of attorney, the principal marries someone other than the person authorized to make health care decisions under said power of attorney, then the marriage shall revoke the designation of the durable power of attorney with respect to health care decisions unless said durable power of attorney is affirmed and executed again pursuant to the directions in this Act after said marriage. If, after executing a durable power of attorney, the marriage of the principal is dissolved or annulled, the dissolution or annulment of said marriage shall revoke any authority granted to a former spouse under a durable power of attorney.

(4) Subject to any limitation in the durable power of attorney, an attorney in fact may, for the purpose of making a health care decision, request, review and receive any information, oral or written, regarding the principal's physical or mental health, including medical and hospital records, execute a release or other document required to obtain the information, and consent to the disclosure of the information.

(5) Under no circumstances may the principal's health care provider or a non-relative employee of the principal's health care provider be authorized to make decisions under the durable power of attorney. For purposes of this act, a health care provider is defined as any person who is licensed, certified or otherwise authorized by the law of this State to administer or provide health care in the ordinary course of business or in the practice of a profession.

(6) No physician, licensed health care professional, medical care facility, other health care provider or any employee thereof who in good faith and pursuant to reasonable medical standards follows the direction of a duly authorized attorney in fact shall be subject to criminal or civil liability, or found to have committed an act of unprofessional conduct for any action taken thereunder. Any health care cost or liability for such cost associated with any decision made pursuant to this section shall be the same as if the health care were provided as a result of the principal's decision relating to his or her own care.

(7) Any person shall be civilly liable who, without the consent of the principal, willfully conceals, cancels, or alters a durable power of attorney or any amendment or revocation of the agency or who falsifies or forges a durable power of attorney, amendment, or revocation.

(8) The act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turner, Turnham, Venable, Warren, Williams and Willis.

-74

Nay:

Representative Gaines.

-1

And the bill:

H. 377. To amend Section 26-1-2, Code of Alabama 1975, so as to authorize the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 3.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim,

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Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-78

Nay:

Representatives Curry, Gaines and Holley.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 758, was adopted.

Yeas 72; Nays 12.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Laird, Lindsey, Mathis, McClain, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (R), Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-72

Nay:

Representatives Buskey (JL), Gaines, Gaston, Grayson, Holmes, Kvalheim, McDowell, McKee, Penry, Petelos, Sanderson and Spratt.

-12

And the bill:

H. 758. To amend Sections 8-22-8, 8-22-13, and 8-22-16, Code of Alabama 1975, the Motor Fuel Marketing Act to further provide for prices to meet the price of competitors, affidavits to support meeting the prices of a competitor under certain circumstances, and to provide criminal penalties.

was taken up.

AMENDMENT OFFERED

Representative Buskey (JL) offered the following amendment #1 to the bill, H. 758:

Amend House Bill 758 Section 1, Page 3, Line 8, by striking the following: subparagraph (c) in its entirety and substituting in lieu thereof the following:

"(c) Whenever a wholesaler or retailer, as the case may be, advertises, offers to sell, or sells motor fuel at retail to the general public at a price which is below its cost as defined herein and is made in good faith to meet the price of a competitor who is rendering the same type service, such wholesaler or retailer shall keep and maintain records substantiating its effort to meet such competition, including the identity and place of business of the competitor(s) whose competition such person is meeting. The records shall be retained for one year and made available to the Attorney General or to any district attorney on request made in connection with any investigation of a possible violation of this chapter. Upon notification by the Attorney General or any district attorney, as the case may be, that a complaint of selling below cost has been made against a wholesaler or retailer, that wholesaler or retailer will file an affidavit within five days with the Attorney General or district attorney stating that the wholesaler or retailer has the records available as required by this chapter."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #1 offered by Representative Buskey (JL) to the bill, H. 758, was tabled.

Yeas 54; Nays 24.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Cagle, Campbell, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gullatt, Hall, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Laird, Lindsey, Mathis, McDaniel, Mikell, Millican, Morrow, Morton, Poole, Rich, Richardson, Rogers (F), Sanderford, Smith (R), Starkey, Turnham, Walker, Warren, Williams and Willis.

-54

Nay:

Representatives Barnes, Black (L), Box, Bryant, Bugg, Buskey (JL), Butler, Gaines, Gaston, Grayson, Kvalheim, Layson, McClain, McDowell, McKee, McMillan, Melton, Parker (T), Penry, Petelos, Sanderson, Spratt, Thomas and Turner.

-24

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 377. To amend Section 26-1-2, Code of Alabama 1975, so as to authorize the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

TOMMY CARTER
Chairman

And the bill, H. 377, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 34. To establish the "Alabama Pawnshop Act"; to provide for the pawnshop charge which may be charged by a pawnbroker and to provide that amounts in excess of the pawnshop charge shall be uncollectible and shall void the pawn transaction; to prohibit certain acts by pawnbrokers and provide for penalties for violations; to provide for the duties of pawnbrokers; to provide for regulatory licensing and inspection by certain officers and officials; to provide for liens for pawnbrokers; to provide for the redemption or automatic forfeiture of pledged goods; to provide for the satisfaction of liens of pawnbrokers; to repeal Sections 8-1-80 to 8-1-84, inclusive, Code of Alabama 1975; and to make an appropriation.

TOMMY CARTER
Chairman

And the bill, H. 34, as engrossed, was ordered sent to the Senate.

H. 758 RESUMED**AMENDMENT OFFERED**

Representative Buskey (JL) offered the following amendment #2 to the bill, H. 758:

Amend House Bill 758 Section 1, Page 4, Line 5, by striking the following: subparagraph (d) in its entirety.

MOTION TO ADJOURN LOST

The motion offered by Representative McKee that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 30; Nays 59.

Yea:

Representatives Anderson, Barnes, Black (L), Bugg, Buskey (JL), Clay, Crow, Cullins, Curry, Dolbare, Gaston, Goodwin, Haney, Harvey, Laird, Layson, McClain, McKee, McMillan, Melton, Morton, Parker (T), Penry, Richardson, Sanderford, Spratt, Turner, Walker, Williams and Willis.

-30

Nay:

Mr. Speaker, Beasley, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Flowers, Ford, Freeman, Fuller, Gaines, Gullatt, Hall, Hammett, Harper, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McDowell, Mikell, Millican, Morrow, Newton (C), Parker (P), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren and Zoghby.

-59

H. 758 RESUMED**AMENDMENT TABLED**

The question was then on the adoption of the amendment #2 offered by Representative Buskey (JL) to the bill, H. 758, and on motion of Representative Hooper, the amendment #2 was tabled.

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Yeas 51; Nays 34.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Butler, Cagle, Campbell, Carns, Carter, Collins, Crow, Cullins, Dolbare, Ford, Fuller, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Lindsey, Mathis, McDaniel, Mikell, Millican, Morrow, Parker (P), Poole, Rich, Richardson, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren and Willis.

-51

Nay:

Representatives Barnes, Black (L), Box, Bryant, Bugg, Buskey (JL), Clark (W), Cosby, Curry, Freeman, Gaines, Gaston, Grayson, Gullatt, Haney, Hawkins, Kvalheim, Layson, McClain, McDowell, McKee, McMillan, Melton, Morton, Parker (T), Payne, Penry, Petelos, Rockhold, Rogers (F), Sanderson, Spratt, Turner and Zoghby.

-34

MOTION TO ADJOURN LOST

The motion offered by Representative Barnes that the House adjourn was lost.

Yeas 21; Nays 58.

Yea:

Representatives Anderson, Barnes, Black (L), Crow, Cullins, Flowers, Haney, Laird, Layson, McClain, McKee, McMillan, Morton, Parker (T), Penry, Rich, Sanderford, Spratt, Turner, Walker and Williams.

-21

Nay:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carter, Collins, Cosby, Curry, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Lindsey, Mathis, McDaniel, Melton, Mikell, Millican, Morrow, Parker (P), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren and Zoghby.

-58

H. 758 RESUMED**AMENDMENT OFFERED**

Representative Buskey (JL) offered the following amendment #3 to the bill, H. 758:

Amend House Bill 758 Section 1, Page 4, Line 25, by striking the following: subparagraph (c) in its entirety.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #3 offered by Representative Buskey (JL) to the bill, H. 758, was tabled.

Yeas 52; Nays 31.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Bowling, Cagle, Campbell, Carns, Carter, Collins, Cosby, Cullins, Dolbare, Flowers, Freeman, Fuller, Hall, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Laird, Lindsey, Mathis, McDaniel, Mikell, Millican, Morrow, Morton, Parker (P), Poole, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren and Williams.

-52

Nay:

Representatives Barnes, Box, Bugg, Buskey (JL), Butler, Clark (W), Crow, Gaines, Gaston, Grayson, Gullatt, Hawkins, Holley, Kennedy, Kvalheim, Layson, McClain, McDowell, McKee, McMillan, Melton, Parker (T), Payne, Penry, Petelos, Rockhold, Sanderson, Turner, Venable, Willis and Zoghby.

-31

And the bill, H. 758, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 10.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carter, Clark (W),

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Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Ford, Freeman, Fuller, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-74

Nay:

Representatives Gaines, Gaston, Grayson, Kvalheim, McKee, McMillan, Melton, Penry, Petelos and Sanderson.

-10

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hammett offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 613.

MOTION TO ADJOURN LOST

The motion offered by Representative Smith (R) that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 31; Nays 48.

Yea:

Representatives Bryant, Bugg, Campbell, Cosby, Crow, Cullins, Curry, Dolbare, Gaston, Haney, Higginbotham, Holladay, Laird, Layson, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Sanderford, Smith (R), Turner, Walker, Williams and Willis.

-31

Nay:

Mr. Speaker, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Buskey (JL), Cagle, Carns, Carter, Clark (W), Collins, Freeman, Fuller, Gaines, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McDaniel, Melton, Millican, Morrow, Petelos, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Venable, Warren and Zoghby.

-48

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Hammett to the bill, H. 613, and the Budget Isolation Resolution was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-84

And the bill:

H. 613. To further provide for the implementation of the pilot project for a uniform system for electronic voting and for the electronic transfer of election returns in the 1992 elections; to provide for reimbursement by the state of certain expenses of the county from savings from election expenses and election printing expenses; and to provide for orderly participation of counties in the program.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson,

Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-91

BUDGET ISOLATION RESOLUTION

On motion of Representative Higginbotham, the Budget Isolation Resolution relating to the bill, H. 18, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Cagle, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-80

And the bill:

H. 18. (With Amendment): To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 18, in the Title, on Page 1, Line 22, by striking the following word: ~~imprisoned~~ and substituting in lieu thereof the following word: convicted

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-83

And the bill:

H. 18. To allow the transfer of foreign nationals convicted in Alabama to the country of their citizenship.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-84

BUDGET ISOLATION RESOLUTION OFFERED

Representative Harper offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 584.

MOTION TO ADJOURN LOST

The motion offered by Representative Anderson that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 28; Nays 56.

Yea:

Representatives Anderson, Barnes, Black (L), Clark (W), Crow, Cullins, Escott-Russell, Gullatt, Haney, Higginbotham, Holladay, Holmes, Laird, Layson, McClain, McKee, Morton, Parker (P), Payne, Rich, Richardson, Sanderford, Smith (R), Starkey, Turner, Walker, Williams and Willis.

-28

Nay:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Collins, Cosby, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Petelos, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable, Warren and Zoghby.

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SPECIAL ORDER CALENDAR RESUMED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Harper to the bill, H. 584.

MOTION TO ADJOURN LOST

The motion offered by Representative Richardson that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 24; Nays 59.

Yea:

Representatives Barnes, Black (L), Crow, Cullins, Escott-Russell, Goodwin, Haney, Holladay, Layson, Letson, McKee, McMillan, Mikell, Morton, Parker (P), Penry, Powell, Rich, Richardson, Sanderford, Smith (R), Starkey, Williams and Willis.

-24

Nay:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clay, Collins, Cosby, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Newton (C), Payne, Petelos, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Warren, White and Zoghby.

-59

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Harper to the bill, H. 584, and the Budget Isolation Resolution was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turner, Turnham, Warren, Williams, Willis and Zoghby.

-81

And the bill:

H. 584. (With Amendment): Relating to the preservation and development of coastal areas of this state; to declare a moratorium until January 1, 1995, on the permitting, construction, or expansion of any new or existing sanitary landfills in any county which contains coastal areas; and direct the Alabama Department of Environmental Management to conduct an environmental impact study during the moratorium period on the potential environmental impact that new sanitary landfills or expansions of existing sanitary landfills may have on the coastal waters, estuaries, and estuarine sanctuaries located in any county which contains coastal areas.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 584 on page 1, line 15 by deleting the first "of" and inserting in lieu thereof "or"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-83

AMENDMENT OFFERED

Representative Zoghby offered the following amendment to the bill, H. 584, as amended:

Amend H. 584 on page 6, after line 4, by inserting the following language as a new Section 7 and renumbering the existing Section 7 as Section 8:

Section 7. Notwithstanding any provision of this act, the State Health Officer may authorize the county commission to remove the moratorium relating to the expansion of existing sanitary landfills for the health, safety, and welfare of the citizens of the county.

AMENDMENT TABLED

On motion of Representative Box, the amendment offered by Representative Zoghby to the bill, H. 584, as amended, was tabled.

Yeas 26; Nays 18.

Yea:

Representatives Box, Burke, Buskey (JL), Cagle, Collins, Curry, Flowers, Freeman, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson, Knight, McDaniel, Morrow, Richardson, Sanderford, Turner, Turnham and Venable.

-26

Nay:

Mr. Speaker, Butler, Campbell, Crow, Escott-Russell, Gaston, Haney, Hawkins, Kennedy, Kvalheim, McKee, Melton, Mikell, Rockhold, Smith (R), Spratt, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Turner offered the following amendment to the bill, H. 584, as amended:

On page 1, on line 33, delete the word "any" and insert in lieu: certain

On page 5, on line 26, after the word "regulation" insert the following: , or to any existing sanitary landfill other than an asbestos landfill, where a permit is pending with the Alabama Department of Environmental Management for the expansion of the facility.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turner, Turnham, Venable, Williams, Willis and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 18. To allow the transfer of foreign nationals convicted in Alabama to the country of their citizenship.

TOMMY CARTER
Chairman

And the bill, H. 18, as engrossed, was ~~ordered~~ sent to the Senate.

H. 584 RESUMED

And the bill:

H. 584. Relating to the preservation and development of coastal areas of this state; to declare a moratorium until January 1, 1995, on the permitting, construction, or expansion of certain new or existing sanitary landfills in any county which contains coastal areas; and direct the Alabama Department of Environmental Management to conduct an environmental impact study during the moratorium period on the potential environmental impact that new sanitary landfills or expansions of existing sanitary landfills may have on the coastal waters, estuaries, and estuarine sanctuaries located in any county which contains coastal areas.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 3.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, Williams and Willis.

-82

Nay:

Representatives Higginbotham, Holley and Zoghby.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 547, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-82

And the bill:

H. 547. To provide further for the reimbursement of health care providers by insurance companies and to repeal Section 27-1-17 of the Code of Alabama 1975.

was taken up.

SUBSTITUTE OFFERED

Representative Johnson offered the following substitute to the bill, H. 547:

**A BILL
TO BE ENTITLED
AN ACT**

To provide further for the reimbursement of health care providers by insurance companies and to repeal Section 27-1-17 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All persons, firms, corporations, associations, health maintenance organizations, health insurance service, or preferred provider organizations, non-profit health service organizations, and any employer sponsored health benefit company providing health, accident, dental or workman's compensation insurance coverage, either directly or indirectly through an agent, shall reimburse health care providers, including physicians, dentist, pharmacists, podiatrists, chiropractors, optometrists, and durable medical equipment/home care providers, or subscribers for covered services within 30 days or receipt of a proper claim or invoice at the office of the insurer or its designated office.

Section 2. If any provider of insurance coverage fails to comply with Section 1, then interest shall be payable on the claim commencing on the 31st day of receipt of the claim at a rate of 1.5 percent per month or any part of a month thereof until the claim has been paid, without any further action by the provider being required except as provided in Section 3.

Section 3. This act does not apply to claims where there is a dispute regarding the legitimacy of the claim, and the company or agency does both of the following:

(1) Notifies the provider within 2 weeks of the receipt of the claim that the claim is in dispute, and specifies which items of the claim are in dispute.

(2) Pays any undisputed portion of the claim within 30 days of receipt of the claim and makes a timely, good faith effort to resolve any differences.

Section 4. The insured or health or dental plan beneficiary may assign

reimbursement for health or dental care services directly to the provider of services. The company or agency shall, when authorized by the insured or health or dental plan beneficiary, pay directly to the health care provider the amount of the claim and any applicable interest. Any company or agency making a payment to the insured or health or dental plan beneficiary, after the rights of reimbursement have been assigned to the provider of services, shall be liable to such provider for the payment. If the company or agency fails to reimburse the provider in accordance with the terms of the provider contract as provided in this act, then the provider shall be entitled to recover in the circuit or district courts of this state from the company or agency responsible for the payment of the claim an amount equal to twice the value of such claim plus interest and a reasonable attorneys fee to be determined by the court.

Section 5. All laws or parts of laws in conflict with this act, including, but not limited to, Section 27-1-17 of the Code of Alabama 1975, are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-86

And the bill, H. 547, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

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26th Day**

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Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Representative Buskey (JL) that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 35; Nays 53.

Yea:

Representatives Black (L), Burke, Buskey (JL), Crow, Cullins, Dolbare, Escott-Russell, Freeman, Fuller, Goodwin, Hall, Hammett, Harvey, Holladay, Holmes, Laird, Layson, Letson, Mathis, McMillan, Melton, Morton, Newton (C), Parker (T), Penry, Powell, Richardson, Rogers (F), Sanderford, Starkey, Turner, Venable, Walker, Williams and Willis.

-35

Nay:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Butler, Cagle, Campbell, Carns, Carter, Collins, Cosby, Curry, Flowers, Gaines, Gaston, Gullatt, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McClain, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Parker (P), Payne, Petelos, Poole, Rich, Rockhold, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Warren and Zoghby.

-53

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Carns offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 302.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 10:00 o'clock a.m., Thursday, April 30, 1992, was lost.

Yeas 27; Nays 51.

Yea:

Mr. Speaker, Anderson, Black (L), Box, Burke, Buskey (JL), Cagle, Clark (W), Crow, Dolbare, Escott-Russell, Goodwin, Hammett, Harvey, Holladay, Holmes, Letson, McMillan, Melton, Mikell, Penry, Richardson, Rockhold, Rogers (F), Turner, Williams and Willis.

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Nay:

Representatives Beasley, Biddle, Blakeney, Butler, Campbell, Carns, Carter, Collins, Cosby, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Haney, Hawkins, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Petelos, Poole, Rich, Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren and Zoghby.

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SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Carns to the bill, H. 302, and the Budget Isolation Resolution was adopted.

Yeas 62; Nays 10.

Yea:

Representatives Anderson, Beasley, Biddle, Blakeney, Burke, Butler, Cagle, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turner, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Barnes, Box, Bryant, Buskey (JL), Clark (W), Holmes, Kennedy, McClain, McDowell and Spratt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 584. Relating to the preservation and development of coastal areas of this state; to declare a moratorium until January 1, 1995, on the permitting, construction, or expansion of certain new or existing sanitary landfills in any county which contains coastal areas; and direct the Alabama Department of Environmental Management to conduct an environmental impact study during the moratorium period on the potential environmental impact that new sanitary landfills or expansions of existing sanitary landfills may have on the coastal waters, estuaries, and estuarine sanctuaries located in any county which contains coastal areas.

TOMMY CARTER
Chairman

And the bill, H. 584, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, April 30, 1992, and the motion was adopted.

MOTION TO ADJOURN LOST

The motion offered by Representative Burke that the House adjourn was lost.

Yeas 38; Nays 38.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Carter, Clark (W), Collins, Crow, Cullins, Dolbare, Escott-Russell, Goodwin, Hamilton, Haney, Harvey, Hogan, Holladay, Holmes, Laird, Letson, Lindsey, McDaniel, McMillan, Melton, Mikell, Newton (C), Penry, Rich, Richardson, Sanderford, Spratt and Willis.

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Nay:

Representatives Barnes, Biddle, Butler, Carns, Cosby, Curry, Flowers, Fuller, Gaines, Gaston, Hall, Hammett, Harper, Hawkins, Haynes, Hill, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, McKee, Millican, Morrow, Morton, Parker (P), Payne, Petelos, Poole, Rogers (F), Sanderson, Smith (C), Turner, Turnham, Venable, Warren and Zoghby.

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SPECIAL ORDER CALENDAR RESUMED

And the bill:

H. 302. To require public schools in Alabama to emphasize responsible sexual behavior and prevention of illegal drug use in those programs and curriculum that include instruction on such subjects; to specify the minimum contents to be included in that instruction; and to outline conduct that is improper or unlawful for school-age children.

was taken up.

AMENDMENT OFFERED

Representative Carns offered the following amendment to the bill, H. 302:

Amend H. 302 on page 3, Section 2, line 1, before the word "reproductive" by inserting the word human

Further amend the bill on page 3, Section 2, line 22, after the words "degree of" by inserting the words: reliability and

Further amend the bill on page 3, Section 2, line 22, after the words "unreliability of" by striking the word ~~the~~

Further amend the bill on page 3, Section 2, line 23, after the word "contraception" by inserting the following: , while also emphasizing the increase in protection against pregnancy and protection against sexually transmitted diseases, including HIV and AIDS infection, which is afforded by the use of various contraceptive measures

Further amend the bill on page 4, Section 2, line 5 by inserting a new subparagraph (9) as follows:

(9) Comprehensive instruction in parenting skills and responsibilities, including the responsibility to pay child support by non-custodial parents, the penalties for non-payment of child support, and the legal and ethical responsibilities of child care and child rearing.

Further amend the bill on page 5, Section 4, line 5, after the word "choose" by inserting the following: illegal conduct

SUBSTITUTE OFFERED

Representative Clark (W) offered the following substitute to the bill, H. 302, and to the pending amendment offered by Representative Carns:

A BILL TO BE ENTITLED AN ACT

To require public schools in Alabama to emphasize abstinence from sexual intercourse and abstinence from the use of illegal drugs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The State Board of Education shall provide for the teaching of health education which shall emphasize abstinence from sexual intercourse and abstinence from the use of illegal drugs.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative Barnes to table the motion offered by Representative Melton to carry over the bill, H. 302, and the pending amendment and substitute to the twenty-seventh legislative day was lost.

Yeas 17; Nays 51.

Yea:

Representatives Anderson, Barnes, Blakeney, Bryant, Cagle, Crow, Escott-Russell, Harvey, Haynes, Hogan, Hooper, Johnson, McKee, Mikell, Penry, Poole and Willis.

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Nay:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Burke, Butler, Carns, Clark (W), Collins, Cosby, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Hall, Hammett, Haney, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Turner, Turnham, Venable and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:56 P.M. on April 28, 1992.

H. 119

H. 22

H.J.R. 338

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Payne, the House adjourned until 10:00 o'clock a.m., Thursday, April 30, 1992.

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TWENTY-SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, April 30, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend C. B. McGee, Wilton Baptist Church, Wilton, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kelly Booker, 9th Grade, Sparta Academy, Evergreen, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-sixth legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the twenty-sixth legislative day was approved.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 228. To reopen the Employees' Retirement System of Alabama to permit contributing state employees who worked for the Alabama State Council on the Arts to purchase retirement credit for their years of service.

S. 595. To make a supplemental appropriation of \$26,220,000 from the Public Road and Bridge Fund to the State Highway Department for fiscal year 1991-92 for federal aid matching and state maintenance.

S. 287. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that such retired judges shall pay the entire cost for having such group health insurance during retirement.

S. 308. To amend Section 9-14-29, Code of Alabama 1975, relating to the applicability of the provisions of Article 2 of Chapter 14 of Title 9 of the Code of Alabama 1975, so as to add an exemption for concession operations receiving gross receipts of \$100,000.00 or less annually.

S. 340. To amend Section 17-4-153 of the Code of Alabama 1975, relating to the mileage allowance of members of boards of registrars.

H. 818. To amend Sections 22-5-2, 22-5-4, 22-5-5, and 22-5-6 of the Code of Alabama 1975, relating to the Commission on Physical Fitness; to further

provide for the name, powers, meetings, and responsibilities of the Commission on Physical Fitness; to include the support, sponsorship, and co-sponsorship of sports events by the Commission; to include, except for the next executive director and successors, the present employees of the commission under the merit system; to provide for a management coordinator for the commission; and to provide for the effective date.

H. 494. Relating to the Teachers' Retirement System; reopening the system for purchase of certain service credit in the system by certain active members of the system; providing for the manner of payment of the cost of the prior service credit; providing for the expiration of the reopening period; and providing for a delayed effective date.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 74. (With Amendment): To further amend Section 14-2-12 of the Code of Alabama 1975, so as to authorize Alabama Corrections Institution Finance Authority to issue an additional \$25,000,000 aggregate principal amount of Bonds; amends Section 14-2-16 to provide that the bonds may be sold at public or private sale; and to provide that a present value savings must be realized prior to the issuance of refunding bonds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 868. (With Substitute): To appropriate funds from the State Employees Liability Insurance Fund to the Department of Veterans Affairs for construction of new Veterans Homes and to provide for reimbursement of such funds.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 664. To propose an amendment to the Constitution of Alabama 1901, to establish the city and county boards of public education in the State of Alabama as taxing authorities, to empower the boards of education to levy and collect certain taxes for public school purposes within their respective districts, and make the boards accountable to their respective constituency.

The above bill was read a second time at length as required by the Constitution.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 437. Relating to the judicial system and employees of the Supreme Court, Courts of Appeal, and State Law Library; to further provide for court costs in appellate cases to be deposited in the State Law Library Fund and that such funds be invested in an interest-bearing account; and to repeal Sections 12-2-150, 12-2-151, 12-2-152, 12-2-153, 12-2-154, 12-2-155, 12-2-156, 12-2-158, and Sections 12-4-1, 12-4-2, 12-4-3, and 12-4-4, inclusive, Code of Alabama 1975.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 146. (With Substitute): To provide for a minimum mandatory sentence of 25 years in the state penitentiary for certain sex crimes, or for burglary or kidnapping where the primary reason for commission of the crime is a sex offense.

H. 889. (With Substitute): To amend Section 13A-5-9, Code of Alabama, 1975, to further provide for the sentencing of habitual offenders, to provide for severability and to provide an effective date.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 890. To amend Section 13A-12-270 of the Code of Alabama, 1975, relating to increased penalties for unlawful sale of controlled substance around a housing project.

H. 892. To repeal in its entirety Section 13A-12-250 of the Code of Alabama, 1975, dealing with the additional penalties for unlawful sale of a controlled substance within three miles of a school.

H. 891. To amend Section 13A-8-5 of the Code of Alabama, 1975, increasing the minimum value of property which is not taken from the person of another, which constitutes theft of property in the third degree.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

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H. 893. (With Substitute): To amend Section 13A-8-4, Code of Alabama, 1975, to increase the minimum value of property which is not taken from the person of another, constitutes theft of property in the second degree.

Representative Higginbotham, Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 252. (With Amendment): To provide for the offense of carrying firearms on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; and to prescribe penalties.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 86. To amend Section 25-4-10, Code of Alabama 1975, which defines the term "employment" for unemployment compensation purposes, to clarify the language exempting service in the employ of religious organizations.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 899. To prohibit local governments from passing ordinances regulating pesticides.

H. 549. Relating to health insurance policies issued in Alabama; to require policies that provide pregnancy related coverage shall offer coverage for the diagnosis and treatment of infertility at a reasonable additional premium rate.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 822. To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the Alabama Real Estate Commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; and to provide that coverage shall not be required when it is not available at a reasonable premium.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 195. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries, for the fiscal year ending September 30, 1993, to indemnify owners of swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever, and other swine diseases.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 648. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Representative Butler, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 874. (With Substitute): To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of the Legislature.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 835. (With Substitute) (With Amendment): Relating to Class 3 municipalities; to further provide for the function and duties of and the number of members of municipal boards, committees, or like bodies.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

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S. 526. To amend Section 39-7-14, Code of Alabama 1975, relating to boards of trustees of municipal improvement authorities; and to provide that those boards shall consist of five members that are qualified electors residing in the area serviced by the authority.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 879. To provide further for length restrictions on vehicles, trucks, trailers, semi-trailers, or combination thereof, transporting laminated wood building materials, and amending Section 32-9-25 therefor.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and it was read a second time and placed on the Calendar, to-wit:

H. 884. (With Substitute): To authorize the Cleburne County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 885. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

H. 886. Relating to Washington County; increasing the fee for the issuance of pistol permits by the sheriff and providing for distribution and use of the funds.

H. 894. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

H. 895. Proposing an amendment to the Constitution of Alabama of 1901, relating to the emergency telephone service charge in Randolph County.

The above bill was read a second time at length as required by the Constitution.

H. 897. Relating to Randolph County; to authorize an emergency telephone service charge.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 869. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 530. (With Substitute) (With Amendments): To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

The above bill was read a second time at length as required by the Constitution.

Representative Poole, Chairperson of the Standing Committee on Local Legislation No. 6, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit

S. 524. Relating to the sheriff's compensation and expense allowances paid, in good faith, by the Tuscaloosa County commission or other county officer pursuant to Act Numbers 79-719 and 79-720 of the 1979 Regular Session (Acts 1979, p. 1274), which acts provided for such expense allowances; ratifying, validating and confirming the actions of the county commission and any other county officer retroactively to August 8, 1979, and continuing thereafter; relieving any liability for repayment by such officials; providing that the provisions of this act shall be construed in pari materia with any other laws relating to compensation or expense allowances or salary for the sheriff and specifically with the provisions of Act No. 87-454, S. 570 of the 1987 Regular Session (Act 1987, p. 683).

H. 887. Relating to Tuscaloosa County, to amend Section 2 of Act No. 323, H. 514 of the 1975 Regular Session (Acts of 1975, p. 855), so as to provide that the provisions of said act relating to compensation increases for certain employees of the sheriff's department shall not be effective unless: (a) additional

revenue for such additional compensation is provided to or made available to Tuscaloosa County by the legislature, or (b) the legislature grants authority to the Tuscaloosa County Commission to implement a means of raising the necessary revenue to fund the increase in compensation; and to further provide that the provisions of said act linking the compensation of certain employees of the sheriff's department to state troopers shall not apply to sheriff's department employees employed subsequent to the effective date of this amendatory act.

H. 888. Relating to Tuscaloosa County; authorizing the county commission to levy an additional temporary sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit

H. 881. Relating to Etowah County; providing further for the compensation of the members of the board of equalization.

H. 882. Relating to Class 4 municipalities which have adopted the mayor-council form of government; to provide for a method of abatement of public nuisances resulting from grass or weeds; to provide for notice and hearings for property owners; to authorize the assessment and collection of the costs of abatement; and to provide that these assessments constitute a lien upon the property.

H. 883. Relating to Class 4 municipalities that have adopted the mayor-council form of government; to grant the right to demolish unsafe buildings and structures; providing for a determination of the ownership of the real property or structure and notice of hearing; to provide for the procedure for hearings and appeal to the circuit court; to authorize liens for the cost of demolition and the authority to assess and collect against property sold for these assessments.

H. 900. Relating to Perry County; authorizing the county commission to construct and maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county at county expense on any gravel road or driveway leading from a public road to the residence of an abutting landowner.

Representative McDowell, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit

H. 785. To amend Section 17-10-3 of the Code of Alabama 1975, to allow persons required to work on certain shifts to vote by absentee ballot.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit

H. 875. To amend Section 40-13-6, Code of Alabama 1975, to provide for disbursement and appropriation of proceeds from certain coal severance taxes.

RECESS

On motion of Representative McKee, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Starkey:

H.R. 372. COMMENDING THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolutions were introduced:

By Representative Higginbotham:

H.J.R. 373. COMMENDING CHARLES LARIMORE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, throughout his life Dr. Charles Larimore Jones has exemplified the American principle of success in reward for hard work and dedication; and

WHEREAS, he has rendered brave, patriotic service to his country in times of war and peace, distinguishing himself at the hazard of his life, and subsequently received decorations acknowledging his courage, love of country, and devotion to duty; and

WHEREAS, upon honorable retirement from military duty, he unselfishly undertook a role of service in the field of law enforcement, again heedless of risk and seeking only to promote the welfare and safety of his fellowman, and once more has proved his devotion to those noble principles that distinguish the great from the common man; and

WHEREAS, all through his fruitful life, he has sought the goal of knowledge in pursuit of an expansion of his ability to serve, resultantly achieving both Juris Doctor and Doctor of Philosophy status, and thereby attained such a vast quantity of information that his greatest good to his fellowman became the instruction of others; and

WHEREAS, Dr. Jones has held all positions in the Troy State University Criminal Justice Department from adjunct instructor to chairman, creating a dynamic and progressive atmosphere intolerant of teaching standards short of excellent; and

WHEREAS, after long and productive labor in his beloved field of law enforcement, and consequently to his fellowman, he retires from professorial pursuits to don the mantle of service within the legal profession; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on behalf of the State and all citizens thereof, we hereby extend our heartfelt thanks and appreciation to Dr. Charles Larimore Jones, for whom a copy of this resolution shall be provided.

On motion of Representative Higginbotham, the rules were suspended and the resolution, H.J.R. 373, was adopted.

Also:

By Representative Starkey:

H.J.R. 374. COMMENDING THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the outstanding community service performed by the Wheeler Rifles Drill Team and Honor Guard of Lauderdale County, has greatly impressed the Alabama Legislature; and

WHEREAS, the Wheeler Rifles, originally organized in 1888 as an active military company to defend the State, has a long tradition of discipline, precision, and service to the State, continues today to promote patriotism and aid veterans locally and nationally; and

WHEREAS, the present members of Wheeler Rifles have earned the respect and admiration of many by their leadership, initiative, and dependable

civic responsibility, and most recently when under the supervision of drill team director Wayne Higgins, the following members used a school holiday to clean the General Coffee Cemetery on April 17, 1992: Chuck Burgess, Brian Lee, Sabian Russel, Bass Wallace, Delvin Ricks, Dolan Ricks, Meredith Higgins, Wesley Self, Stephanie Miller, Jacob Grissom, David Stough, Kim Ward, Dallas Burgess, Chad Harlow, Raven Hunt, Phillip Lovelace, Leah Whitten, Heather Bruce, Justin Simmons, Patrick Chitty, Heather Burfield, and Nathan Peeden; and

WHEREAS, this team has demonstrated their caring concern for veterans groups by aiding not only veterans confined to nursing homes, but also the disabled American veterans and their families in need of assistance, the MIA-POW National League of Families, the Vietnam Veterans, and for two years the care of the General Coffee Cemetery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Director Higgins and the members of the Wheeler Rifles Drill Team and Honor Guard on their outstanding community service and charitable projects which enrich the lives of so many Alabamians.

RESOLVED FURTHER, That copies of this resolution be sent to drill team director Wayne Higgins and to each member of the team so that they may know of our admiration and esteem.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 374, was adopted.

Also:

By Representative Layson:

H.R. 375. DESIGNATING THURSDAY, MAY 7, 1992, AS ALABAMA DAY OF PRAYER.

WHEREAS, the first Thursday of May has been designated as the National Day of Prayer to pray for the people of our nation and the rest of this world; and

WHEREAS, 2nd Chronicles 7:14 states that "If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and forgive their sin and will heal their land"; and

WHEREAS, we know that although perilous times may have come, we also know that God's word shall not return unto Him void but it shall accomplish that which He pleases and prosper in the thing whereto He sends it; now therefore,

BE IT RESOLVED BY THE HOUSES OF REPRESENTATIVES OF THE

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LEGISLATURE OF ALABAMA, That we do hereby designate the first Thursday of May, May 7, 1992, to be Alabama Day of Prayer so that His beloved people in Alabama who are called by His name may individually and collectively come together in the Spirit and humble themselves and seek His face and pray His word back to Him, praying for repentance and for a great outpouring of His Spirit and for His grace, mercy, salvation, healing, blessings, and peace upon the people of this state, nation, and world.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Donna McClinton of the "Let's Pray Alabama!" Campaign and to evangelist John Riley together with our encouragement in your compassionate intercession for the souls and people of a lonely, hurting, lost, and dying world.

On motion of Representative Layson, the rules were suspended and the resolution, H.R. 375, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.R. 375:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

Also:

By Representative Layson:

H.J.R. 376. DESIGNATING THURSDAY, MAY 7, 1992, AS ALABAMA DAY OF PRAYER.

WHEREAS, the first Thursday of May has been designated as the National Day of Prayer to pray for the people of our nation and the rest of this world; and

WHEREAS, 2nd Chronicles 7:14 states that "If my people who are called by my name will humble themselves and pray and seek my face and turn from their

wicked ways, then will I hear from heaven and forgive their sin and will heal their land"; and

WHEREAS, we know that although perilous times may have come, we also know that God's word shall not return unto Him void but it shall accomplish that which He pleases and prosper in the thing whereto He sends it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the first Thursday of May, May 7, 1992 to be Alabama Day of Prayer so that His beloved people in Alabama who are called by His name may individually and collectively come together in the Spirit and humble themselves and seek His face and pray His word back to Him, praying for repentance and for a great outpouring of His Spirit and for His grace, mercy, salvation, healing, blessings, and peace upon the people of this state, nation, and world.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Donna McClinton of the "Let's Pray Alabama!" Campaign and to evangelist John Riley together with our encouragement in your compassionate intercession for the souls and people of a lonely, hurting, lost, and dying world.

On motion of Representative Layson, the rules were suspended and the resolution, H.J.R. 376, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 376:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hooper, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 377. COMMENDING THE HONORABLE JAMES S. (JIMMY) CLARK FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

By Representatives Venable, Clay and Mikell:

H.J.R. 378. NAMING "TUKABATCHEE ROAD" IN ELMORE COUNTY AND MACON COUNTY, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 229 South in Elmore County and Macon County, from the intersection of Elmore County Road 4 to the I-85 interchange at Milstead, as the "Tukabatchee Road."

BE IT FURTHER RESOLVED, That the proper authorities are herein authorized to erect and maintain appropriate signs and markers identifying said highway portion as "Tuckabatchee Road."

On motion of Representative Venable, the rules were suspended and the resolution, H.J.R. 378, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 379. RECOGNIZING THE 80TH ANNIVERSARY OF THE FLORALA CITY SCHOOL.

Also:

The following resolution was introduced:

By Representative Millican:

H.R. 380. DESIGNATING MAY 1992 AS "MANUFACTURED HOUSING MONTH" IN ALABAMA.

WHEREAS, Alabama's Manufactured Housing Industry has provided more than 500,000 Alabamians with affordable, well-constructed single-family housing; and

WHEREAS, the Alabama Manufactured Housing Industry continues to initiate and support programs to enhance the quality, safety, comfort and value of its homes through progressive construction and siting standards; and

WHEREAS, Alabama ranks seventh in the nation in the production of manufactured homes, with 21 plants producing approximately 20,000 homes annually for domestic and foreign markets; and

WHEREAS, with its manufacturers, suppliers, retailers, lenders, insurers and park owners, Alabama Manufactured Housing is a billion dollar industry, providing more than 15,000 jobs and an annual payroll in excess of \$200 million; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby recognize and designate May 1992 as "Manufactured Housing Month" in Alabama, and do further urge all of our citizens to support the Manufactured Housing Industry.

On motion of Representative Millican, the rules were suspended and the resolution, H.R. 380, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Grayson, Sanderford, Haney and Hall:

H.R. 381. COMMENDING CARL HARRIS MARBURY OF TUSCALOOSA, ALABAMA.

Also:

The following resolution was introduced:

By Representative Escott-Russell:

H.J.R. 382. COMMENDING MR. LEROY BANDY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama, in the highest tribute, notes the distinguished service of Mr. Leroy Bandy of Birmingham, Alabama; and

WHEREAS, Mr. Bandy is a versatile man sensitive to the needs of his community, and one who has contributed generously to every worthwhile endeavor for the betterment of his community; and

WHEREAS, Mr. Bandy served as vice-president, 1978-1982, and president, 1982-1992, of the Central Pratt Neighborhood Association; and

WHEREAS, Mr. Bandy, a recipient of numerous awards including: Pratt City Historical Society Community Service Award 1983; Outstanding Young Man of America 1983; Delta Sigma Theta Sorority Par-Excellence Citizens Award 1988; Certificates of Merit for Outstanding Services and contributions to the City of Birmingham Park Programs 1988-1992; and recognized by Central Bank of the South for commitment to Birmingham neighborhoods 1990; and

WHEREAS, in an extension of community involvement and service, Mr. Bandy assisted in the renovation of the Pratt City Library which included the purchase of books, carpet, doors, and erection of lights; and

WHEREAS, he is a man of integrity and dignity, loyal to his friends, devoted to his family, dedicated in his sense of duty and responsibility to his church and state, continues to give unselfishly of himself to a remarkable degree in any area of service which benefits others, and has exemplified in his daily life the wholesome and inspiring qualities of love, faith, and courage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Leroy Bandy, for outstanding community services and direct that he receive a copy of this resolution as a warm expression of our best wishes for every future success.

On motion of Representative Escott-Russell, the rules were suspended and the resolution, H.J.R. 382, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Petelos:

H.R. 383. COMMENDING BRITTANY RODGERS OF PLEASANT GROVE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Letson, the Budget Isolation Resolution and the bill, S. 464, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Haynes, the Budget Isolation Resolution and the bill, H. 808, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 834, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bryant, Carns, Collins, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Higginbotham, Hill, Holley, Knight, Kvalheim, Lindsey, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Poole, Richardson, Rockhold, Rogers (F), Smith (C), Thomas, Turnham, Venable and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 834. Relating to Coosa County; to create a license-issuing division within the office of the judge of probate for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses and boat licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle and boat licenses; to provide that the fees shall be established by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to provide for the issuance of licenses by the office of the judge of probate; to transfer certain duties now performed by the revenue commissioner to the judge of probate; to provide that the salary of the judge of probate not be increased for the performance of these additional duties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yea:

Representatives Biddle, Bryant, Carns, Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Goodwin, Hall, Hammett, Kvalheim, Lindsey, McMillan, Melton, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Richardson, Rogers (F), Smith (C), Thomas, Turnham, Venable and Willis.

-30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Blakeney, the Budget Isolation Resolution relating to the bill, H. 840, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Bryant, Buskey (JE), Carns, Clark (W), Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Goodwin, Hall, Hammett, Higginbotham, Hill, Holley, Kennedy, Knight, Kvalheim, Lindsey, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Smith (C), Thomas, Turnham, Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 840. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Cullins, Flowers, Freeman, Gaston, Goodwin, Hall, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Lindsey, McMillan, Melton, Mikell, Morrow, Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Thomas, Turnham, Venable, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Mathis, the Budget Isolation Resolution relating to the bill, H. 841, was adopted.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Carothers, Clark (W), Collins, Cullins, Dolbare, Freeman, Gullatt, Hall, Hammett, Higginbotham, Hill, Holley, Kennedy, Knight, Kvalheim, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Penry, Perdue, Poole, Rockhold, Rogers (F), Smith (C), Thomas, Turnham, Venable, Willis and Zoghby.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 841. To propose an amendment to the Constitution of Alabama of 1901, and to authorize the County Commission of Geneva County to levy and collect certain additional property taxes for the maintenance of the jail and courthouse.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-71

BUDGET ISOLATION RESOLUTION

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 845, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Collins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Higginbotham, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Penry, Perdue, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 845. (With Amendment): Relating to Chambers County; creating the Chambers County Economic Progress and Community Investment Trust Fund and an advisory committee to assist the county commission in administering it, authorizing the county commission to levy an additional ad valorem tax, providing for a referendum, and an expiration date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 2, line 8, after the language "assistance of" insert the following language: and consultation with

On page 2, line 10, after the language "Commission," insert the following language: three taxpayers of the county who shall be appointed by the legislative delegation of the county,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bryant, Buskey (JE), Buskey (JL), Carothers, Collins, Dolbare, Flowers, Fuller, Gaston, Gullatt, Hamilton, Hammett, Higginbotham, Hill, Holladay, Kennedy, Knight, Kvalheim, Mathis, McMillan, Melton, Morrow, Morton, Newton (C), Parker (P), Penry, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Williams and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 845, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Collins, Drake, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Higginbotham, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Mathis, McMillan, Melton, Mikell, Morrow, Penry, Perdue, Poole, Rockhold, Smith (R), Thomas, Turnham, Venable, Warren, Williams and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Laird intended to vote "Yea" on passage of the bill, H. 845.

BUDGET ISOLATION RESOLUTION

On motion of Representative Poole, the Budget Isolation Resolution relating to the bill, H. 846, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Dolbare, Drake, Flowers, Gaston, Goodwin, Grayson, Gullatt, Hammett, Higginbotham, Hill, Holladay, Holley, Johnson, Knight, Kvalheim, Lindsey, Mathis, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Payne, Penry, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Thomas, Turnham, Venable, Williams and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 846. Relating to Hale County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carns, Carothers, Clark (W), Collins, Curry, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haynes, Higginbotham, Hill,

Holladay, Holley, Johnson, Knight, Lindsey, Mathis, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Poole, the Budget Isolation Resolution relating to the bill, H. 847, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Carns, Clark (W), Collins, Curry, Dolbare, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Higginbotham, Hill, Holladay, Knight, Kvalheim, Lindsey, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 847. To amend Section 1 of Act No. 91-783, H. 14, 1991 First Special Session, to extend the effective date of a tobacco tax levied in Hale County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Curry, Gaston, Grayson, Gullatt, Hamilton, Hammett, Hill, Knight, Kvalheim, Lindsey, Mathis, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Gullatt, the Budget Isolation Resolution relating to the bill, H. 848, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Curry, Dolbare, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Harper, Higginbotham, Hill, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 848. Relating to Russell County; authorizing the county commission, upon a request from the governing bodies of the Cities of Phenix City and Hartsboro, to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Representatives Black (L), Blakeney, Box, Bryant, Buskey (JL), Carns, Clark (W), Collins, Curry, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Harper, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Perdue, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Willis and Zoghby.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 849, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Bowling, Box, Bryant, Buskey (JE), Clark (W), Collins, Curry, Dolbare, Gaston, Grayson, Gullatt, Hamilton, Hammett, Harper, Higginbotham, Hill, Holladay, Kennedy, Knight, Kvalheim, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Penry, Perdue, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 849. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Bryant, Buskey (JE), Buskey (JL), Clark (W), Collins, Curry, Flowers, Gaston, Gullatt, Hamilton, Hammett, Harper, Higginbotham, Hill, Holladay, Kennedy, Knight, Kvalheim, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Perdue, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Thomas, Venable, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, H. 851, was adopted.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Flowers, Gaston, Grayson, Hammett, Harper,

Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Melton, Millican, Morrow, Morton, Parker (P), Payne, Penry, Perdue, Poole, Rich, Rockhold, Rogers (F), Smith (C), Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 851. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Flowers, Gaston, Gullatt, Hammett, Harper, Higginbotham, Hill, Holladay, Kennedy, Knight, Kvalheim, McDaniel, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Thomas, Turnham, Warren, Willis and Zoghby.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 853, was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey (JE), Clark (W), Collins, Curry, Dolbare, Hall, Hammett, Hill, Hogan, Holladay, Kennedy, Knight, McDaniel, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 853. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey (JE), Clark (W), Collins, Curry, Dolbare, Freeman, Fuller, Grayson, Hall, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Poole, Powell, Rockhold, Rogers (F), Smith (C), Thomas, Venable and Zoghby.

-35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 854, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey (JE), Butler, Clark (W), Collins, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Mathis, McDaniel, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Thomas, Turnham, Venable and Zoghby.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 854. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Freeman, Fuller, Goodwin, Grayson, Hall, Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Kennedy, Knight, McDaniel, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Smith (C), the Budget Isolation Resolution relating to the bill, H. 855, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Dolbare, Fuller, Goodwin, Grayson, Hamilton, Hammett, Hill, Hogan, Holladay, Holley, Kennedy, Knight, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Thomas, Venable and Zoghby.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 855. Relating to Chilton County; to amend Section 3 of Act No. 87-176, H. 435, 1987 Regular Session (Acts 1987, p. 237), which levies an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of the tax, and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Representatives Black (L), Blakeney, Box, Bryant, Buskey (JE), Butler, Carns, Carothers, Clark (W), Collins, Curry, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Mathis, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 856, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 856. Relating to Baldwin County; abolishing the office of constable; transferring assets; and providing for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-54

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 857, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Collins, Curry, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Willis and Zoghby.

-55

And the bill:

H. 857. Relating to Baldwin County; amending Act No. 88-613, H. 1046, 1988 Regular Session, which relates to the compensation of members of the board of equalization.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Carns, Carothers, Clark (W), Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Willis and Zoghby.

-53

BUDGET ISOLATION RESOLUTION

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 859, was adopted.

Yeas 43; Nays 0.

Yea:

Representatives Barnes, Black (L), Black (M), Blakeney, Box, Carns, Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Higginbotham, Hill, Hogan, Holley, Knight, Kvalheim, McDaniel, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 859. Relating to Coosa County; to provide that the Coosa County

Commission may establish and adopt voting centers by resolution.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Box, Bryant, Carns, Collins, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Higginbotham, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 860, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Carns, Carothers, Clark (W), Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, Layson, Mathis, McDaniel, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Williams, Willis and Zoghby.

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And the bill:

H. 860. Relating to Coosa County, to provide for the selling and redeeming lands for taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Carns, Carothers, Collins, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, Mikell, Millican, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Venable, Williams and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 863, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Carns, Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Higginbotham, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, Layson, Lindsey, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Venable and Williams.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 863. Relating to Lee County; to provide that a motor vehicle left unattended on private property posted in accordance with this act without the express or implied permission of the owner or lessee of the property shall be considered an abandoned motor vehicle and may be towed or wheel locked.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Carns, Clark (W), Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Higginbotham, Hill, Holley, Hooper, Kennedy, Knight, Kvalheim, Layson, Lindsey, McDaniel, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Rich, the Budget Isolation Resolution relating to the bill, H. 864, was adopted.

Yeas 54; Nays 0.

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Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Carns, Clark (W), Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Hill, Hogan, Holley, Hooper, Kennedy, Knight, Kvalheim, Mathis, McDaniel, Mikell, Millican, Morton, Newton (C), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable and Willis.

-54

And the bill:

H. 864. Providing for a certain additional recording fee for certain documents filed for record in the office of the Judge of Probate of Marshall County; and to provide for distribution and use of the proceeds from the additional fees.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Box, Bryant, Buskey (JE), Butler, Carns, Carothers, Clark (W), Collins, Curry, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Holley, Hooper, Kennedy, Knight, Kvalheim, Mathis, McDaniel, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

-53

BUDGET ISOLATION RESOLUTION

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 865, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant,

Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Collins, Curry, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Higginbotham, Hill, Hogan, Holley, Hooper, Knight, Kvalheim, Layson, Mathis, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-59

And the bill:

H. 865. Relating to Lee County; amending Act No. 91-613, H. 1078, 1991 Regular Session, relating to a rock and gravel tax, to limit the amount of the tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Carns, Carothers, Clark (W), Collins, Curry, Flowers, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Layson, Mathis, McDaniel, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hawkins, the Budget Isolation Resolution and the bill, H. 820, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 867, was adopted.

Yeas 42; Nays 0.

Yea:

Representatives Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JL), Carns, Clark (W), Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Hill, Holley, Hooper, Knight, Mathis, McDaniel, Morton, Newton (C), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 867. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits and also certain other territory in Jefferson County, Alabama.

was taken up.

SUBSTITUTE OFFERED

Representative Hawkins offered the following substitute to the bill, H. 867:

**A BILL
TO BE ENTITLED
AN ACT**

To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits and also certain other territory in Jefferson County, Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. That the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Vestavia Hills and in addition thereto the following described territory, to wit:

All of Section 5, Township 18 South, Range 1 West, less and except the N.E. 1/4 of the N.E. 1/4, and the Northernmost 215.00 feet of the N.W. 1/4 of the N.W. 1/4, thereof.

The North 1/2 of the N.E. 1/4 of Section 6, Township 18 South, Range 1 West lying East of the Westernmost loop of the Cahaba River, less and except the north 215 feet, thereof.

The South 1/2 of the N.E. 1/4 and the S.E. 1/4 of Section 6, Township 18 South, Range 1 West.

The S.E. 1/4 of the N.W. 1/4 of Section 6, Township 18 South, Range 1 West less and except that part lying within the limits of Overton Land Company's Subdivision No. 2 as recorded in Map Book 35, Page 1 in the Probate Office of Jefferson County, Alabama.

The S.W. 1/4 of Section 6, Township 18 South, Range 1 West less and except the North 400 feet of the West 400 feet thereof.

All of Section 7, Township 18 South, Range 1 West.

That part of the N.W. 1/4 of the N.W. 1/4 of Section 8, Township 18 South, Range 1 West being more particularly described as follows: BEGIN at the Northwest corner of said 1/4-1/4 section and run South to the Southwest corner thereof; thence Northeasterly to a point on the East line of said 1/4-1/4 section, said point lying 440 feet south of the Northeast corner of said 1/4-1/4 section; thence North to the Northeast corner of said 1/4-1/4 section; thence West to the POINT OF BEGINNING.

The S.E. 1/4 of the N.E. 1/4 and the West 1/2 of the N.E. 1/4 of Section 12, Township 18 South, Range 2 West lying South of the Cahaba River.

The N.W. 1/4 of Section 12, Township 18 South, Range 2 West, lying South of the Cahaba River and East of the Interstate Highway 459 right-of-way.

The South 1/2 of Section 12, Township 18 South, Range 2 West, lying East of the Interstate Highway 459 right-of-way.

LESS AND EXCEPT the following parcels:

1. Begin at the point of intersection of the Easterly right-of-way line of Interstate Highway #I-459 and the South line of Section 12, Township 18 South, Range 2 West; thence along said South line in an Easterly direction to the Southeast corner of said section; thence along the South line of Section 7, Township 18 South, Range 1 West in an Easterly direction to the Southeast corner of the Southwest 1/4 of said section; thence 90°00' to the left in a Northerly direction a distance of 10 feet, more or less, to a point; thence 90°00' to the left and along a line 10 feet North of and parallel to said South section line in a Westerly direction to a point on the West line of said section; thence along a line 10 feet North of and parallel to the South line of Section 12, Township 18 South, Range 2 West in a Westerly direction to a point on the Easterly right-of-way line of Interstate Highway #I-459; thence Southerly along said Easterly right-of-way line a distance of 10 feet, more or less, to the POINT OF BEGINNING.

2. A 10 foot wide strip of land being bound by the following described traverse and a line 10 feet parallel and Northerly, Northwesterly and Westerly to said traverse; Begin at the Southeast corner of the N.E. 1/4 of the S.E. 1/4 of Section 7, Township 18 South, Range 1 West; thence North along the East section line of said section to the Southwest corner of the N.W. 1/4 of the N.W. 1/4 of Section 8, Township 18 South, Range 1 West; thence Northeasterly to a point on the East line of said 1/4-1/4 section, said point lying 440 feet South of the Northeast corner of said 1/4-1/4 section; thence North along said East line 440 feet to the Northeast corner of said 1/4-1/4 section; thence Easterly along the North line of said section to the Northeast corner of said section; thence North along the East section line of Section 5, Township 18 South, Range 1 West to the Northeast corner of the S.E. 1/4 of the N.E. 1/4 of said section, said corner being the END POINT OF THE TRAVERSE LINE.

LESS AND EXCEPT the following parcels that lie within the City of Birmingham Corporate Limits:

1. A parcel of land situated in the S.W. 1/4 and the S.W. 1/4 of the N.W. 1/4 of Section 12, Township 18 South, Range 2 West, being more particularly described as follows:

BEGIN at the Southwest corner of the S.E. 1/4 of the S.W. 1/4 of Section 12, Township 18 South, Range 2 West; thence run Easterly along the South line of said 1/4-1/4 section a distance of 424.88 feet to a point; thence turn 74°19'33" to the left in a Northeasterly direction a distance of 204.76 feet to a point; thence turn 20°49'43" to the left in a Northwesterly direction a distance of 672.23 feet to a point; thence turn 23°39'20" to the left in a Northwesterly direction a distance of 303.11 feet to a point; thence turn 45°09'11" to the right in a Northeasterly direction a distance of 390.49 feet to a point; thence turn 163°11' to the left in a Northwesterly direction a distance of 302.36 feet to a point; thence turn 10°21'28" to the left in a Northwesterly direction a distance of 276.11 feet to a point; thence turn 103°35'31" to the right in a Northeasterly direction a distance of 403.92 feet to a point; thence turn 105°41'15" to the left in a Northwesterly direction a distance of 55.07 feet to

the P.C. (point of curve) of a curve to the left having a radius of 821.17 feet and a central angle of 21°10'18"; thence Northwesterly along the arc of said curve a distance of 303.44 feet to the P.R.C. (point of reverse curve) of a curve to the right having a radius of 592.35 feet and a central angle of 57°18'15"; thence Northwesterly along the arc of said curve a distance of 592.44 feet to the P.T. (point of tangent) of said curve; thence Northwesterly, tangent to said curve a distance of 468.92 feet to the P.C. (point of curve) of a curve to the left having a radius of 473.80 feet and a central angle of 29°04'26"; thence Northwesterly along the arc of said curve a distance of 240.42 feet to a point; thence turn 86°51'01" to the left (angle measured to tangent) in a Southwesterly direction a distance of 64.49 feet to the P.C. (point of curve) of a curve to the right having a radius of 527.82 feet and a central angle of 23°35'25"; thence Southwesterly along the arc of said curve a distance of 217.32 feet to the P.R.C. (point of reverse curve) of a curve to the left having a radius of 572.58 feet and a central angle of 5°40'; thence Southwesterly along the arc of said curve a distance of 56.63 feet to a point on the Easterly right-of-way line of Interstate Highway #I-459; thence turn 72°51'08" to the left (angle measured to tangent) in a Southeasterly direction along said right-of-way line a distance of 345.08 feet to a point; thence turn 19°15'31" to the left in a Southeasterly direction along said right-of-way line a distance of 162.04 feet to a point; thence turn 1°28'19" to the right in a Southeasterly direction along said right-of-way line a distance of 602.12 feet to a point; thence turn 9°50'54" to the right in a Southeasterly direction along said right-of-way line a distance of 710.76 feet to a point; thence turn 6°53'30" to the right in a Southeasterly direction along said right-of-way line a distance of 1392.57 feet to a point; thence turn 17°23'25" to the right in a Southwesterly direction along said right-of-way line a distance of 47.40 feet to a point on the South line of said Section 12; thence turn 92°37'54" to the left in an Easterly direction along said South line a distance of 45.10 feet to the POINT OF BEGINNING.

2. A strip of land 25 feet wide lying along the South line and the East line of the South 1/2 of the S.E. 1/4 of Section 7, Township 18 South, Range 1 West.

3. A strip of land 25 feet wide lying along the Northerly, Northwesterly, Northeasterly, Westerly and Easterly property lines of that part of the property located in Section 6, Township 18 South, Range 1 West and the North 1/4 of Section 5, Township 18 South, Range 1 West.

4. A strip of land 25 feet wide lying along the North line of the S.E. 1/4 of the N.E. 1/4 of Section 5, Township 18 South, Range 1 West.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 28; Nays 0.

Yea:

Representatives Biddle, Black (L), Black (M), Box, Buskey (JL), Carns, Collins, Curry, Dolbare, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Hogan, Knight, Kvalheim, Morrow, Payne, Poole, Rockhold, Smith (R), Starkey, Venable, Willis and Zoghby.

-28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 867 TEMPORARILY CARRIED OVER

On motion of Representative Hawkins, the bill, H. 867, as amended, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 850, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Collins, Cullins, Curry, Dolbare, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Layson, Mathis, Millican, Morton, Newton (C), Parker (P), Payne, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Walker, Williams, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 850. Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for such governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the city facilities for parking motor vehicles; to empower the authority to lease such facilities to or from others; to grant the authority other powers incidental to the powers above enumerated, including the power of eminent domain; to authorize the city to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the authority and the mortgage of any property of the authority; to provide that such pledge and mortgage may be provided for in an indenture by the authority and a trustee, or by resolution providing for the issuance of the bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the authority is situated; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county, city, or town of this state to invest in bonds of the authority; to provide that such bonds shall be legal investments for fiduciaries, savings banks, and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after such publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such authority and the disposition of its property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Collins, Cullins, Curry, Flowers, Fuller, Gaston, Goodwin, Gullatt, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Layson, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Rich,

Rockhold, Rogers (F), Smith (C), Starkey, Venable, Walker, Williams, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 852, was adopted.

Yeas 48; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Collins, Cullins, Curry, Flowers, Fuller, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McKee, Millican, Morton, Newton (C), Parker (P), Payne, Perdue, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Venable, Walker, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 852. Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Cullins, Curry, Flowers, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Hawkins, Hill, Hogan, Knight, Kvalheim, Layson, McDaniel, McKee, Millican, Morton, Newton (C), Parker (P), Payne, Perdue, Poole, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Venable, Walker, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Clark (W), the Budget Isolation Resolution relating to the bill, H. 858, was adopted.

Yeas 43; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Cullins, Curry, Flowers, Gaston, Goodwin, Hamilton, Hammett, Hill, Hogan, Kennedy, Knight, Kvalheim, Letson, Mathis, McDaniel, McKee, Millican, Morton, Newton (C), Newton (D), Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Smith (C), Starkey, Venable, Walker, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 858. Requiring the Mobile County Commission to provide certain compensation to any circuit judge in the 13th Judicial Circuit who is entitled to purchase any prior service credit in the Judicial Retirement Fund under Section 12-18-8.2 of the Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Representatives Barnes, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JL), Carns, Clark (W), Collins, Cullins, Curry, Flowers, Gaston, Goodwin, Hammett, Hill, Hogan, Holmes, Kennedy, Knight, Kvalheim, McKee, Millican, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Poole, Rockhold, Rogers (F), Smith (C), Starkey, Venable, Walker, Willis and Zoghby.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, H. 829, was adopted.

Yeas 43; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Collins, Cullins, Curry, Dolbare, Flowers, Gaston, Goodwin, Gullatt, Hamilton, Harper, Hill, Hogan, Knight, Kvalheim, Letson, Mathis, McDaniel, Millican, Morrow, Morton, Newton (C), Parker (P), Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 829. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yea:

Representatives Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Cullins, Curry, Gaston, Goodwin, Gullatt, Harper, Hill, Hogan, Holmes, Kennedy, Knight, Kvalheim, Letson, McDaniel, McKee, Millican, Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Walker, Willis and Zoghby.

-36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, H. 830, was adopted.

Yeas 47; Nays 0.

Yea:

Representatives Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Collins, Cullins, Curry, Freeman, Gaston, Goodwin, Gullatt, Hall, Hamilton, Harper, Hill, Hogan, Kennedy, Knight, Kvalheim, Letson, Mathis, McDaniel, McKee, Millican, Morton, Newton (C), Newton (D), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Walker, Willis and Zoghby.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 830. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 0.

Yea:

Representatives Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Clark (W), Collins, Cullins, Curry, Gaston, Goodwin, Grayson, Gullatt, Harper, Kennedy, Kvalheim, McDaniel, Millican, Morton, Newton (C), Newton (D), Payne, Perdue, Poole, Rockhold, Sanderford and Starkey.

-29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 625, was adopted.

Yeas 44; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Carns, Carothers, Cullins, Dolbare, Flowers, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Harper, Hogan, Kennedy, Kvalheim, Letson, Mathis, McDaniel, McKee, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Walker, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 625. (With Amendment): Relating to Mobile County; to alter and rearrange the boundaries of the municipalities of Mobile and Saraland, so as to take certain land out of Mobile and place it in Saraland.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. 625 on page 3, Section 3, line 14, before the period by inserting the following: ; provided, however, that this act shall not take effect unless written consents to the proposed deannexation/annexation, signed by owners of at least ninety percent of the total acreage contained in Section 1, are filed with the Judge of Probate for Mobile County

AMENDMENT TABLED

On motion of Representative Zoghby, the committee amendment was tabled.

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Yeas 18; Nays 2.

Yea:

Representatives Box, Bryant, Buskey (JL), Curry, Gaston, Hamilton, Hogan, Holmes, Kennedy, Kvalheim, Morton, Newton (C), Newton (D), Parker (T), Perdue, Rockhold, Starkey and Zoghby.

-18

Nay:

Representatives Buskey (JE) and Clark (W).

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Zoghby offered the following amendment to the bill, H. 625:

Amend H. 625 on page 3, Section 3, line 14 by adding after the period the following: This act shall not become effective if either the city council of Mobile or Saraland rejects this act by resolution duly adopted no later than thirty days next following the date of its passage and approval by the Governor or its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 27; Nays 1.

Yea:

Representatives Black (M), Box, Buskey (JL), Carns, Clark (W), Curry, Flowers, Gaston, Hamilton, Harper, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, McDaniel, McKee, Newton (C), Newton (D), Parker (T), Perdue, Powell, Rockhold, Sanderford, Walker and Willis.

-27

Nay:

Representative Buskey (JE).

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 625, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 4.

Yea:

Representatives Barnes, Black (M), Blakeney, Box, Buskey (JL), Campbell, Carns, Clark (W), Curry, Fuller, Hamilton, Holley, McDaniel, McKee, Morton, Newton (C), Newton (D), Parker (T), Payne, Perdue, Powell, Rockhold, Sanderford, Starkey, Walker, Willis and Zoghby.

-27

Nay:

Representatives Buskey (JE), Gaston, Kennedy and Kvalheim.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Layson, the Budget Isolation Resolution and the bill, H. 844, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Melton, the Budget Isolation Resolution and the bill, H. 866, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 745, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JL), Carns, Carothers, Carter, Collins, Cullins, Dolbare, Fuller, Gaston, Goodwin, Grayson, Hamilton, Harper, Hogan, Holley, Kennedy, Kvalheim, Letson, Mathis, McDaniel, McKee, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Walker and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 745. (With Amendment): To amend Section 2 of Act No. 433, H. 693, Regular Session 1969, approved August 19, 1969 (Acts of Alabama 1969, p. 839), as amended, relating to the fee for the issuance of pistol permits issued by the sheriff in Limestone County to further provide for the distribution of the fee.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

On page 1, line 24, after the word and period "county." add the following: The 'Sheriff's Fund' shall be audited in the same manner as other county funds are audited.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 0.

Yea:

Representatives Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Collins, Cullins, Curry, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harper, Hill, Hogan, Holladay, Holmes, Kennedy, Knight, Kvalheim, Mathis, McDaniel, McKee, Newton (C), Parker (T), Perdue, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Walker, Warren and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 745, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Carter, Collins, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Letson, Mathis, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Walker, Warren and Willis.

-61

BUDGET ISOLATION RESOLUTION

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 861, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JL), Campbell, Carns, Carothers, Clark (W), Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Hill, Hogan, Holladay, Holley, Holmes, Knight, Layson, Letson, Mathis, McDaniel, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Warren, Williams, Willis and Zoghby.

-55

And the bill:

H. 861. Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

was taken up.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 861:

On page 2, line 8, delete the wording ", and any vessel, barge, ship, or other watercraft."

On page 2, line 8, insert a period (.) immediately following the word "farms."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JL), Butler, Carns, Carothers, Clark (W), Collins, Cullins, Curry, Gaston, Goodwin, Gullatt, Hammett, Haney, Hill, Hogan, Knight, Kvalheim, Layson, Letson, Mathis, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Smith (C), Starkey, Venable, Warren, Willis and Zoghby.

-45

And the bill, H. 861, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Butler, Campbell, Carns, Carothers, Clark (W), Collins, Cullins, Curry, Drake, Gaston, Goodwin, Gullatt, Hammett, Haney, Hill, Knight, Kvalheim, Layson, Letson, Mathis, McMillan, Mikell, Morrow, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Venable, Warren, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 878, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Box, Bryant, Butler, Carns, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hill, Holladay, Holley, Kennedy, Knight, Layson, Letson, Lindsey, McKee, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Walker, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 878. Relating to Colbert County, providing further for the compensation of the sheriff.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Representatives Barnes, Black (L), Black (M), Box, Bryant, Butler, Campbell, Clark (W), Collins, Cullins, Curry, Flowers, Freeman, Fuller, Goodwin, Gullatt, Hall, Hill, Holladay, Holley, Kennedy, Knight, Lindsey, McDowell, Mikell, Millican, Morton, Parker (T), Payne, Perdue, Poole, Rockhold, Rogers (F), Smith (C), Starkey, Venable, Walker, Warren and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 880, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Bryant, Butler, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Hill, Holley, Knight, Kvalheim, McDaniel, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Richardson, Rockhold, Sanderford, Smith (C), Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 880. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Carns, Carothers, Carter, Clark (W), Collins, Cullins, Curry, Dolbare, Freeman, Gaston, Goodwin, Gullatt, Hall, Hammett, Hill, Johnson, Knight, Kvalheim, Mathis, McDowell, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Turnham, Venable, Walker and Willis.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Starkey, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 419.

BUDGET ISOLATION RESOLUTION

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 419, was adopted.

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Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey (JE), Buskey (JL), Butler, Carns, Carothers, Carter, Collins, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Hawkins, Hill, Holley, Holmes, Knight, Letson, Lindsey, Mathis, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Walker, Warren and Willis.

-56

And the bill:

H. 419. To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university and authorizing the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

was taken up.

AMENDMENT OFFERED

Representative Grayson offered the following amendment to the bill, H. 419:

Amend H. 419 on page 2, Section 1, line 31 by adding after the period the following: The merger provisions of this section shall not apply to Alabama A & M University.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Bryant, Buskey (JL), Butler, Carns, Carothers, Collins, Cullins, Curry, Drake, Flowers, Freeman, Gaston, Goodwin, Hall, Hammett, Hawkins, Higginbotham, Hill, Holladay, Holmes, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, Melton,

Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Walker and Willis.

-53

And the bill, H. 419, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bryant, Butler, Carns, Carter, Collins, Cullins, Curry, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Haney, Hill, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Warren, Willis and Zoghby.

-53

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 808, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Butler, Carothers, Carter, Collins, Cullins, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Higginbotham, Hill, Holladay, Holley, Holmes, Knight, Kvalheim, Letson, Lindsey, Mathis, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Perdue, Poole, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 808. Relating to Talladega County; to authorize the election of the members of the county commission from five single-member districts and the election of a chair; to authorize the defining and altering of commission districts and district lines as a matter of public record; to authorize the terms and election of the members; to define certain duties and responsibilities of the judge of probate; and to authorize special elections in accordance with general law.

was taken up.

SUBSTITUTE OFFERED

Representative Johnson offered the following substitute to the bill, H. 808:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Talladega County; to authorize the election of the members of the county commission from five single-member districts and the election of a chair; to authorize the defining and altering of commission districts and district lines as a matter of public record; to authorize the terms and election of the members; to define certain duties and responsibilities of the judge of probate; and to authorize special elections in accordance with general law.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the case of John Dillard, et al., Plaintiffs v. Crenshaw County, Alabama, et al., Civil Action No. CV85-T-1332-N, in the United States District Court for the Middle District of Alabama, Northern Division, 640 Fed. Supp. 1347 (1986), 649 Fed. Supp. 289 (1986), the Talladega County Commission is authorized to divide Talladega County into five, single-member districts for the purpose of electing members of the county commission. The county commission is authorized to divide the county into five districts defined by tract numbers by reference to standard census units or by county voting precincts, or both, and boundary lines delineated on a map in a manner that each district shall have approximately the same population as every other district within acceptable deviation and meet the requirements of law and the Constitution of the United States. Due to significant demographic changes revealed by the official federal decennial census for Alabama, the county commission by resolution may alter the boundaries of the districts from time to time as may be appropriate. The five single-member districts as defined by resolution duly adopted by the Talladega County Commission and spread upon the minutes of a regular session of the county commission shall be a matter of public record in the office of the county commission located in the Talladega County Court House.

Section 2. One member shall be elected from each of the five districts and each member shall be elected only by the qualified electors from the respective district which he or she represents. Each candidate for district commissioner shall be a resident and qualified elector of the district which he or she represents and upon election shall continue to reside therein throughout his or her respective terms.

Section 3. Elections for the purpose of electing Talladega County Commissioners shall be held in accordance with state election laws with elections for district one, district three, and district five being held every four years beginning with the general elections in 1992, and the elections for district two and district four being held every four years beginning with the general elections in 1994. The commissioners shall hold office for terms of four years from the first Monday after the second Tuesday in January next after their election and until their successors are elected and qualified. When the commissioners elected in 1994 take office, they shall select, on an annual basis, the chair of the Talladega County Commission from among their own number.

Section 4. The judge of probate elected in 1988 shall continue to serve as chair of Talladega County Commission until that term expires, but shall not be entitled to vote. When the judge of probate elected in 1994 takes office, the judge of probate shall no longer serve as chair of the Talladega County Commission. The judge of probate shall, however, continue to be chief administrative officer of Talladega County.

Section 5. The Talladega County Commission may by resolution petition the Governor to order a special election under Chapter 18 (commencing with Section 17-18-1) of Title 17 of the Code of Alabama 1975, to implement the provisions of this act in the event of special circumstances.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 52; Nays 0.

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Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Butler, Carns, Carothers, Carter, Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Hawkins, Haynes, Hill, Holladay, Holley, Johnson, Kennedy, Knight, Kvalheim, Letson, Mathis, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Rich, Rogers (F), Smith (C), Starkey, Turnham, Venable, Williams and Willis.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 808, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JL), Butler, Carns, Carothers, Carter, Collins, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Haynes, Hill, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Warren, Williams and Willis.

-61

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carothers, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 575.

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 575, was adopted.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Blakeney, Box, Buskey (JL), Butler, Carns, Carothers, Collins, Curry, Freeman, Gullatt, Hall, Hammett, Hawkins, Hill, Johnson, Knight, Kvalheim, Letson, Mathis, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham and Willis.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 575. To provide that any Class 5 municipality may adopt an ordinance creating a housing code abatement board to remove structures that are unsafe to the extent of creating a public nuisance; and to provide for the collection of special assessments and liens against the property for the collection of costs.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JL), Butler, Carns, Carothers, Collins, Cullins, Curry, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hammett, Hawkins, Haynes, Hill, Holley, Johnson, Knight, Kvalheim, Letson, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rogers (F), Sanderson, Smith (C), Smith (R), Turnham, Venable, Walker, Warren and Willis.

-54

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Rockhold to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 577, was lost.

BUDGET ISOLATION RESOLUTION

On motion of Representative Layson, the Budget Isolation Resolution relating to the bill, H. 844, was adopted.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Buskey (JL), Carns, Collins, Cullins, Curry, Freeman, Gaston, Grayson, Hall, Hammett, Haney, Hill, Knight, Kvalheim, Layson, McClain, Mikell, Millican, Morrow, Morton, Payne, Penry, Perdue, Poole, Rich, Richardson, Sanderson, Smith (R), Venable, Walker, Warren, Williams and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 844. (With Amendment): Relating to Tuscaloosa County; to amend Section 8 of Act No. 357, S. 468, 1949 Regular Session (Acts 1949, p. 524), to provide for filling vacancies in offices and departments under the civil service system of Tuscaloosa County.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 6, said committee amendment being as follows:

Amend H. 844 on page 1, line 31 between the words "Persons" and "appointed" insert the word: initially

Further amend H. 844 on page 1, line 33 after the period insert the following language: Persons receiving promotional appointments within the Sheriff's Department shall not be subject to a probationary period.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Burke, Carns, Collins, Cullins, Curry, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Hill, Hooper, Knight, Kvalheim, Layson, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morrow, Morton, Payne, Penry, Perdue, Poole, Rockhold, Smith (R), Venable, Walker, Warren, Williams and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 844, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Burke, Buskey (JL), Carns, Collins, Cullins, Curry, Freeman, Gaston, Goodwin, Hall, Hammett, Hill, Hooper, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McKee, Mikell, Morrow, Morton, Payne, Penry, Perdue, Poole, Rich, Richardson, Rockhold, Venable, Walker, Warren and Williams.

-41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Melton, the Budget Isolation Resolution relating to the bill, H. 866, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bryant, Carns, Collins, Cullins, Curry, Gaston, Goodwin, Grayson, Hamilton, Hawkins, Holladay, Kennedy, Knight, Kvalheim, Layson, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Parker (P), Payne, Perdue, Poole, Rich, Richardson, Rockhold, Sanderford, Smith (R), Warren and Williams.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 866. Relating to Tuscaloosa County; amending Section 3 of Act No. 323, H. 514, 1975 Regular Session, to provide for the minimum number of deputies sheriff authorized in the county.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Representatives Barnes, Biddle, Black (L), Blakeney, Bryant, Burke, Butler, Carns, Collins, Cullins, Curry, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Hill, Kennedy, Knight, Kvalheim, Layson, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Newton (D), Payne, Penry, Perdue, Poole, Rich, Richardson, Rockhold, Sanderford, Smith (R), Venable, Walker, Warren, Williams and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Petelos to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 563, was lost, lacking a four-fifths vote.

Yeas 14; Nays 6.

Yea:

Representatives Barnes, Biddle, Curry, Escott-Russell, Gaines, Hawkins, McClain, McDowell, Morton, Newton (D), Perdue, Petelos, Rogers (F) and Spratt.

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Nay:

Representatives Bowling, Carns, Harvey, McKee, Payne and Walker.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 117. COMMENDING MR. SCOTT BROWN FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

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Also:

S.J.R. 118. MOURNING THE DEATH OF TIMOTHY MIZE PARKER OF TUSCALOOSA, ALABAMA.

Also:

S.J.R. 119. CREATING THE JOINT INTERIM LEGISLATIVE TASK FORCE ON THE DEVELOPMENT OF ALABAMA'S CULTURAL RESOURCES.

Also:

S.J.R. 120. EXTENDING THE COST AND EXPENSE ALLOWANCE FOR THE ALABAMA LEGISLATIVE FORESTRY STUDY COMMITTEE.

Also:

S.J.R. 123. COMMENDING TREVOR C. HALE FOR OUTSTANDING ACHIEVEMENT.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 57. MOURNING THE DEATH OF AARON ARONOV OF MONTGOMERY, ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 76. DESIGNATING THE OFFICIAL SITE FOR THE ALABAMA VETERANS OF VIETNAM MEMORIAL WALL.

Also:

S.J.R. 78. REQUESTING THE U.S.S. ALABAMA BATTLESHIP COMMISSION TO STUDY THE FEASIBILITY OF ACQUIRING THE SPRUCE GOOSE, THE HK-1 (KAISER-HUGHES, 1ST AIRCRAFT) FLYING BOAT.

Also:

S.J.R. 95. MOURNING THE DEATH OF ANGELO BRUNO, MAY 29, 1924 - DECEMBER 11, 1991.

Also:

S.J.R. 96. MOURNING THE DEATH OF LEE BRUNO, JANUARY 21, 1922 - DECEMBER 11, 1991.

Also:

S.J.R. 97. MOURNING THE DEATH OF SAM A. VACARELLA, APRIL 26, 1948 - DECEMBER 11, 1991.

Also:

S.J.R. 98. MOURNING THE DEATH OF EDWARD C. HYDE, JULY 20, 1951 - DECEMBER 11, 1991.

Also:

S.J.R. 99. MOURNING THE DEATH OF R. RANDOLPH PAGE, JR., NOVEMBER 25, 1942 - DECEMBER 11, 1991.

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Also:

S.J.R. 100. MOURNING THE DEATH OF KARL MOLICA, NOVEMBER 3, 1954 - DECEMBER 11, 1991.

Also:

S.J.R. 101. MOURNING THE DEATH OF ROBERT B. STAMPS III MAY 2, 1964 - DECEMBER 11, 1991.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 313. COMMENDING JASPER JONES OF EVA, ALABAMA, ON HIS RETIREMENT.

Also:

H.J.R. 314. DESIGNATING "FOUNDERS DAY 1992" IN THE CITY OF ADAMSVILLE.

Also:

H.J.R. 315. COMMENDING MONTGOMERY DIVISION OF WINN-DIXIE, INC.

Also:

H.J.R. 316. COMMENDING THE ROBERT E. LEE HIGH SCHOOL GENERALS ON THE 1991 STATE 6A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 324. COMMENDING MARTHA JENKINS BROOKS FOR OUTSTANDING SERVICE.

Also:

H.J.R. 325. COMMENDING BYRD ELEMENTARY SCHOOL OF SELMA, ALABAMA, FOR ITS ENVIRONMENTAL EDUCATION PROGRAM.

Also:

H.J.R. 326. COMMENDING SELMA HIGH SCHOOL STUDENTS UPON WINNING DISTRIBUTIVE EDUCATION CLUBS OF AMERICA STATE TITLES.

Also:

H.J.R. 327. COMMENDING MR. GEORGE EVANS FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 329. COMMENDING JAMES A. MOORE OF BESSEMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 330. WELCOMING GLORIA STEINEM TO ALABAMA FOR THE TWENTIETH ANNIVERSARY OF THE ALABAMA WOMEN'S POLITICAL CAUCUS.

Also:

H.J.R. 333. DESIGNATING THE WEEK OF JUNE 21, 1992, AS "SHERIFFS' WEEK."

Also:

H.J.R. 334. COMMENDING THE BAY MINETTE MIDDLE SCHOOL ON HAVING ONE OF SIX EXEMPLARY INNOVATIVE PROGRAMS.

Also:

H.J.R. 341. COMMENDING RUBIN LEWIS HANAN, MONTGOMERY, ALABAMA, ON OUTSTANDING ACHIEVEMENTS.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 336. RELATIVE TO MEETING DAYS

Also:

H.J.R. 355. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H.J.R. 356. CONGRATULATING THE UNIVERSITY OF ALABAMA ALL-CENTURY FOOTBALL TEAM.

Also:

H.J.R. 357. RECOGNIZING JOHN R. BROWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 361. CONGRATULATING MR. AND MRS. WARREN L. MORRISON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 362. COMMENDING THE ERWIN HIGH SCHOOL WRESTLING TEAM UPON WINNING THE 1992 STATE CHAMPIONSHIP.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S.J.R. 71. DESIGNATING A "LEGISLATIVE TEACHING DAY" IN ALABAMA.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 308. COMMENDING JAMES E. HILDRETH FOR OUTSTANDING SERVICE TO THE COFFEE COUNTY BOARD OF REGISTRARS.

Also:

H.J.R. 311. COMMENDING THE MORGAN ACADEMY SENATORS ON THEIR STATE FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 319. COMMENDING KEVIN TURNER OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

H.J.R. 320. COMMENDING THE GRACIOUS PEOPLE OF MOBILE, WHO HAVE BEEN NATIONALLY RECOGNIZED AS AMONG THE MOST POLITE CITIZENS IN AMERICA.

Also:

H.J.R. 332. COMMENDING CONGRESSMAN BILL DICKINSON FOR HIS LIFE OF EXEMPLARY PUBLIC SERVICE UPON HIS RETIREMENT.

Also:

H.J.R. 335. COMMENDING ALABAMA GORDON WILLIAMS ON HER 100TH BIRTHDAY.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 229. To make a supplemental appropriation to the Department of Finance - Telephone Revolving Fund in the amount of \$1,490,000 from the Alabama Special Educational Trust Fund and \$610,000 from the State General Fund for the fiscal year ending September 30, 1992.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Letson, the Budget Isolation Resolution relating to the bill, S. 464, was adopted.

Yeas 32; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Blakeney, Bowling, Bryant, Burke, Butler, Collins, Cullins, Dolbare, Harvey, Haynes, Holladay, Johnson, Layson, Letson, Mathis, McKee, McMillan, Millican, Newton (C), Parker (P), Penry, Rockhold, Rogers (F), Smith (C), Venable, Walker, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 464. Proposing an amendment to the Constitution of 1901, consolidating under one county public authority or corporation any public authorities or corporations created by Lawrence County for economic development in Lawrence County pursuant to Amendment No. 190 of the Constitution of 1901, and all powers and authority granted to Lawrence County by Amendment No. 190; to provide that the county public authority or corporation shall assume any outstanding obligations created pursuant to Amendment No. 190.

was read a third time at length and passed.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Campbell, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Goodwin, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight, Layson, Letson, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Rich, Richardson, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Turnham, Venable, Walker, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 102. MOURNING THE DEATH OF JOHN TESNEY, MAY 27, 1932 - DECEMBER 11, 1991.

Also:

S.J.R. 103. MOURNING THE DEATH OF MARY FAUST, JULY 19, 1950 - DECEMBER 11, 1991.

Also:

S.J.R. 107. CONGRATULATING SENATOR AND MRS. JIM SMITH ON THE BIRTH OF THEIR DAUGHTER.

Also:

S.J.R. 112. DESIGNATING MAY 22, 1992, AS "UNITED STEEL WORKERS OF AMERICA LOCAL 2176 DAY" IN ALABAMA.

Also:

S.J.R. 113. COMMENDING THE SOUTH LAMAR HIGH SCHOOL BASKETBALL TEAM ON WINNING THE STATE 3A CHAMPIONSHIP.

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Also:

S.J.R. 114. COMMENDING JUANITA JONES TAYLOR FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S.J.R. 115. COMMENDING DR. LARRY DeLUCAS FOR DISTINGUISHED ACHIEVEMENT.

Also:

S.J.R. 116. COMMENDING THE VESTAVIA HILLS HIGH SCHOOL REBELS FOR WINNING THE STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 314. Relating to Cullman County; to amend Sections 1 and 12 of Act No. 83-778, S. 559, 1983 Regular Session, to increase a county lodging tax and provide further for the use of the proceeds of the tax.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after

the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MOTION TO RECESS ADOPTED

Representative Warren offered the motion that when the hour of 12:00 o'clock Noon arrives, the House will recess for one hour, and the motion was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Representatives McMillan, Butler, Fuller, Richardson, Haney, Penry and Blakeney:

H.R. 384. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 874.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important question which has arisen concerning the pending bill, House Bill 874, a copy of which is attached to this resolution and made a part hereof by reference:

House Bill 874 would exempt certain nursing homes operated through the Department of Veterans' Affairs from the certificate of need process of the Health Planning and Development Agency.

Section 22-21-260, Code of Alabama 1975, originally became effective on June 16, 1977. The section was amended in 1979 and 1982 and by Act No. 84-281, was amended to provide that the term "health care facility" does not include veterans nursing homes operated by the Department of Veterans' Affairs.

Under Section 10 of Act No. 88-776, 1988 First Special Session (now codified at Section 31-5A-11, Code of Alabama 1975), nursing homes operated by the Department of Veterans' Affairs are subject to the certificate of need process of the State Health Planning and Development Agency.

In 1990, by Act No. 90-468, Section 22-21-260 was amended again and is the most recent expression of the Legislature, however, the definition of "health care facility" was not changed from the 1984 Act.

It is a settled principle of statutory construction that in the event two statutes are in conflict, the latest expression of the legislative will prevails. Thus, the statute last passed will prevail over a statute past prior to it.

If all of Section 22-21-260 is deemed to be new law in 1990 when the section was last amended, veterans nursing homes would be exempt from the certificate of need process because that would be the latest expression of the legislative will. If, on the other hand, only the portion of the section that was actually changed by the amendment is deemed to be new law, the definition portion would be deemed to have been original law since 1984 and the 1988 Act, as a later expression of the legislative will, would supersede that portion and would make the veterans nursing homes subject to the certificate of need process.

From the foregoing, the ultimate question is whether: for the purposes of determining the latest expression of the legislative will to determine which of two conflicting statutes should be given effect, should the portions of an amendatory statute that do not change existing law be considered as being enacted on the effective date of the amendatory act or the date of the act which originally added the language?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending bill, House Bill 874, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

On motion of Representative McMillan, the rules were suspended and the resolution, H.R. 384, was adopted.

Also:

By Representatives Haynes and Johnson:

H.J.R. 385. COMMENDING THE ALABAMA SCHOOL FOR THE BLIND REDSKIN WRESTLING TEAM.

WHEREAS, students from the Alabama School for the Blind have proven themselves to be accomplished athletes and winners at local, state and national levels; and

WHEREAS, the ASB Redskin wrestling team, under the leadership of Coach Chris Schumann, compiled a winning season record of 14 wins and six losses during 1992; and

WHEREAS, the Redskins were winners of the South Central Athletic Association for the Blind tournament; and

WHEREAS, ASB athletes defeated competitors from eleven states to win

the national wrestling title at the U. S. Association of Blind Athletes event in Indianapolis; and

WHEREAS, Byron Lawson, Mark Clark, Jason Tingle and Princeton Reaves won national individual titles in their respective weight classes; and

WHEREAS, Mark Clark was named to the Class 5-A Tri-County All-Star first team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama School for the Blind Redskin wrestling team for their outstanding accomplishments, and for the leadership example they set for their fellow Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to the Alabama School for the Blind.

On motion of Representative Haynes, the rules were suspended and the resolution, H.J.R. 385, was adopted.

Also:

By Representatives Johnson and Haynes:

H.J.R. 386. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIOR VARSITY FOOTBALL TEAM.

WHEREAS, students from the Alabama School for the Deaf have proven themselves to be accomplished athletes and winners at local, state and national levels; and

WHEREAS, the Silent Warrior varsity football team during 1991 compiled its best season in the history of the Alabama School for the Deaf with 11 consecutive wins and one loss; and

WHEREAS, the team won the Division 1-A Area 12 championship among Alabama public schools for 1991; and

WHEREAS, "The Birmingham News" named Jonathan Hollis as Division 1-A "Player of the Year" and Coach Walter Ripley as "Coach of the Year"; and

WHEREAS, the team was named by "The Silent News" as National Football Champions among schools for the deaf during 1991-92; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama

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School for the Deaf Silent Warriors for their outstanding accomplishments of the 1991 football season, and for the leadership example they set for their fellow Alabamians.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for presentation to Coach Walter Ripley and the 1991 Silent Warrior football team.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 386, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Petelos, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committee on Local Legislation No. 2 to meet while the House is in Recess.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDowell, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committee on Constitution and Elections to meet while the House is in Recess.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Freeman, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committees to meet while the House is in Recess.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Sanderson to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 358, was lost, lacking a four-fifths vote.

Yeas 10; Nays 4.

Yea:

Representatives Biddle, Carns, Curry, Gaines, McDowell, Morton, Payne, Petelos, Rogers (F) and Sanderson.

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Nay:

Representatives Escott-Russell, Harvey, Newton (D) and Perdue.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 330. WELCOMING GLORIA STEINEM TO ALABAMA FOR THE TWENTIETH ANNIVERSARY OF THE ALABAMA WOMEN'S POLITICAL CAUCUS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 387. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-seventh legislative day, Thursday, April 30, 1992, taking precedence over the regular order of business or any pending or unfinished business:

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And the Following Bills:

Inst Id	Page
<u>H. 772</u> - By Harper (As Substituted)	120
Public School and College Authority, selling of bonds auth.	
<u>H. 302</u> - By Carns	2
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>H. 408</u> - By Turnham	41
Driver licenses, notification after expiration, grace period, Sec. 32-6-1 am'd.	
<u>H. 69</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 71</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 570</u> - By Haynes	54
District attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty.'s office to operate division, criminal procedure estab.	
<u>H. 798</u> - By Kennedy	167
Microbreweries, manufacture and sale of alcoholic beverages auth., no separation of financial and business interest classes, ABC Bd. to regulate, bond req.	
<u>H. 45</u> - By Petelos (As Amended)	17
Loan brokers reg., enforcement by Banking Dept., penalties, remedies	
<u>H. 837</u> - By Bryant	172
Agricultural aircraft and other aircraft permitted by Aeronau- tics Dept., auth. to use co. and mun. roads to take off and land for crop dusting, immunity, local gov. body to desig. roads to be used	

<u>H. 266</u> - By Rogers (F)	100
Judicial Retirement System, cert. retired dist. judges, retirement benefits incr.	
<u>H. 365</u> - By Campbell	113
Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close	
<u>H. 394</u> - By McDowell (As Amended)	79
Counties, liability for indigent residents treated at a regional referral hospital in another co., clarified, Sec. 22-21-291 am'd.	
<u>H. 640</u> - By Sanderson (As Amended)	117
Recording fees, add'l. fee on recording real prop. instruments levied, distrib. to State Land Surveys Div. of Conservation and Natural Resources Dept., fee to judge of probate	
<u>H. 341</u> - By Lindsey	20
Boat registration, notarized bill of sale req., Secs. 33-5-11, 33-5-15 and 33-5-17 am'd.	
<u>H. 699</u> - By Lindsey	135
Disparagement, crime defined, cause of action incl. damages, loss of perishable agricultural and aquacultural products	
<u>H. 387</u> - By Starkey	114
State employees health insurance plan, participation by add'l. entities, eligibility requirements, withdrawal, Sec. 36-29-14 am'd.	
<u>H. 541</u> - By Hawkins	94
Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.	
<u>H. 393</u> - By Escott-Russell (As Substituted)	56
School breakfast and lunch progs., implementation req. in cert. schools	

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H. 51 - By Freeman

37

Budgets, Gov. req. to submit to legislature prior to each session, Sec. 41-19-7 am'd.

H. 53 - By Freeman

37

Legislative meetings, organizational, special, and annual sessions, times set for annual regular, annual budget, and any special sessions, consti. amend.

H. 675 - By Carothers

104

Animal research, agricultural, commercial or ed. facilities, crimes re, penalties

H. 695 - By Johnson

154

Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners

H. 521 - By Harper

102

Attorney General, appointment of investigators, salaries, authority and duties provided for

H. 374 - By Zoghby (As Amended)

93

Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center

H. 296 - By Warren (As Substituted)

22

Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.

H. 412 - By Morrow

33

Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.

H. 6 - By Powell (As Amended)

48

Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.

<u>H. 259</u> - By Williams	45
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 687</u> - By Carothers (As Amended)	105
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
<u>H. 583</u> - By Venable (As Substituted)	103
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	
<u>H. 697</u> - By Perdue	132
Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.	
<u>H. 729</u> - By McDaniel (As Amended)	141
Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.	
<u>H. 141</u> - By Penry	23
Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.	
<u>H. 306</u> - By Beasley	16
Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.	
<u>H. 30</u> - By Box	14
Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction	
<u>H. 31</u> - By Box	14
Materialmen, civil actions against, statute of limitations	

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H. 57 - By Cullins

70

Motor vehicles, lighting equipment must be used when windshield wipers are in use, Sec. 32-5-240 am'd.

H. 123 - By Turnham

32

Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted)

95

District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.

H. 345 - By Rogers (J)

86

Alcoholic beverages, Sunday sales, referendums in wet cos. and muns.

H. 453 - By Hooper

27

Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.

H. 581 - By Johnson (As Amended)

175

Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.

H. 145 - By Mathis (As Substituted)

22

Alcoholic beverages, local option auth. for muns. of 4,000 or more, Secs. 28-2A-1, 28-2A-3, 28-2A-4 am'd.

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 387.

SUBSTITUTE OFFERED

Representative Mathis offered the following substitute #1 to the resolution, H.R. 387:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-seventh legislative day, Thursday, April 30, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 772</u> - By Harper (As Substituted)	120
Public School and College Authority, selling of bonds auth.	
<u>H. 145</u> - By Mathis (As Substituted)	22
Alcoholic beverages, local option auth. for muns. of 4,000 or more, Secs. 28-2A-1, 28-2A-3, 28-2A-4 am'd.	
<u>H. 302</u> - By Carns	2
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>H. 408</u> - By Turnham	41
Driver licenses, notification after expiration, grace period, Sec. 32-6-1 am'd.	
<u>H. 69</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 71</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 570</u> - By Haynes	54
District attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty.'s office to operate division, criminal procedure estab.	
<u>H. 798</u> - By Kennedy	167
Microbreweries, manufacture and sale of alcoholic beverages auth., no separation of financial and business interest classes, ABC Bd. to regulate, bond req.	

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H. 374 - By Zoghby 93

H. 45 - By Petelos (As Amended) 17

Loan brokers reg., enforcement by Banking Dept., penalties, remedies

H. 837 - By Bryant 172

Agricultural aircraft and other aircraft permitted by Aeronautics Dept., auth. to use co. and mun. roads to take off and land for crop dusting, immunity, local gov. body to desig. roads to be used

H. 266 - By Rogers (F) 100

Judicial Retirement System, cert. retired dist. judges, retirement benefits incr.

H. 365 - By Campbell 113

Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close

H. 394 - By McDowell (As Amended) 79

Counties, liability for indigent residents treated at a regional referral hospital in another co., clarified, Sec. 22-21-291 am'd.

H. 640 - By Sanderson (As Amended) 117

Recording fees, add'l. fee on recording real prop. instruments levied, distrib. to State Land Surveys Div. of Conservation and Natural Resources Dept., fee to judge of probate

H. 341 - By Lindsey 20

Boat registration, notarized bill of sale req., Secs. 33-5-11, 33-5-15 and 33-5-17 am'd.

H. 699 - By Lindsey 135

Disparagement, crime defined, cause of action incl. damages, loss of perishable agricultural and aquacultural products

<u>H. 387</u> - By Starkey	114
State employees health insurance plan, participation by add'l. entities, eligibility requirements, withdrawal, Sec. 36-29-14 am'd.	
<u>H. 541</u> - By Hawkins	94
Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.	
<u>H. 393</u> - By Escott-Russell (As Substituted)	56
School breakfast and lunch progs., implementation req. in cert. schools	
<u>H. 51</u> - By Freeman	37
Budgets, Gov. req. to submit to legislature prior to each session, Sec. 41-19-7 am'd.	
<u>H. 53</u> - By Freeman	37
Legislative meetings, organizational, special, and annual sessions, times set for annual regular, annual budget, and any special sessions, consti. amend.	
<u>H. 675</u> - By Carothers	104
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
<u>H. 695</u> - By Johnson	154
Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners	
<u>H. 521</u> - By Harper	102
Attorney General, appointment of investigators, salaries, authority and duties provided for	
<u>H. 296</u> - By Warren (As Substituted)	22
Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.	

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H. 412 - By Morrow

33

Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.

H. 6 - By Powell (As Amended)

48

Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.

H. 259 - By Williams

45

Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.

H. 687 - By Carothers (As Amended)

105

Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages

H. 583 - By Venable (As Substituted)

103

Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed

H. 697 - By Perdue

132

Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.

H. 729 - By McDaniel (As Amended)

141

Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.

H. 141 - By Penry

23

Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.

H. 306 - By Beasley

16

Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.

<u>H. 30</u> - By Box	14
Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction	
<u>H. 31</u> - By Box	14
Materialmen, civil actions against, statute of limitations	
<u>H. 57</u> - By Cullins	70
Motor vehicles, lighting equipment must be used when windshield wipers are in use, Sec. 32-5-240 am'd.	
<u>H. 123</u> - By Turnham	32
Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency	
<u>H. 99</u> - By Williams (As Substituted)	95
District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.	
<u>H. 345</u> - By Rogers (J)	86
Alcoholic beverages, Sunday sales, referendums in wet cos. and muns.	
<u>H. 453</u> - By Hooper	27
Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.	
<u>H. 581</u> - By Johnson (As Amended)	175
Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.	

SUBSTITUTE LOST

And the substitute #1 was lost, lacking a three-fifths vote as required under House Rule 9.

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Yeas 33; Nays 24.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Ford, Freeman, Goodwin, Grayson, Hall, Hammett, Haynes, Holmes, Johnson, Kennedy, Mathis, McDowell, Melton, Millican, Morrow, Newton (C), Starkey, Venable and Willis.

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Nay:

Representatives Carns, Clay, Cosby, Curry, Dolbare, Drake, Hamilton, Haney, Hawkins, Higginbotham, Hooper, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Morton, Payne, Rich, Smith (R), Thomas, Warren and Williams.

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SUBSTITUTE OFFERED

Representative Rich offered the following substitute to the resolution, H.R. 387:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-seventh legislative day, Thursday, April 30, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 302</u> - By Carns	2
<u>H. 772</u> - By Harper (As Substituted)	120
Public School and College Authority, selling of bonds auth.	
<u>H. 408</u> - By Turnham	41
Driver licenses, notification after expiration, grace period, Sec. 32-6-1 am'd.	

<u>H. 69</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 71</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 570</u> - By Haynes	54
District attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty.'s office to operate division, criminal procedure estab.	
<u>H. 798</u> - By Kennedy	167
Microbreweries, manufacture and sale of alcoholic beverages auth., no separation of financial and business interest classes, ABC Bd. to regulate, bond req.	
<u>H. 45</u> - By Petelos (As Amended)	17
Loan brokers reg., enforcement by Banking Dept., penalties, remedies	
<u>H. 837</u> - By Bryant	172
Agricultural aircraft and other aircraft permitted by Aeronau- tics Dept., auth. to use co. and mun. roads to take off and land for crop dusting, immunity, local gov. body to desig. roads to be used	
<u>H. 266</u> - By Rogers (F)	100
Judicial Retirement System, cert. retired dist. judges, retire- ment benefits incr.	
<u>H. 365</u> - By Campbell	113
Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close	
<u>H. 394</u> - By McDowell (As Amended)	79
Counties, liability for indigent residents treated at a regional referral hospital in another co., clarified, Sec. 22-21-291 am'd.	

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H. 640 - By Sanderson (As Amended) 117

Recording fees, add'l. fee on recording real prop. instruments levied, distrib. to State Land Surveys Div. of Conservation and Natural Resources Dept., fee to judge of probate

H. 341 - By Lindsey 20

Boat registration, notarized bill of sale req., Secs. 33-5-11, 33-5-15, 33-5-17 am'd.

H. 699 - By Lindsey 135

Disparagement, crime defined, cause of action incl. damages, loss of perishable agricultural and aquacultural products

H. 387 - By Starkey 114

State employees health insurance plan, participation by add'l. entities, eligibility requirements, withdrawal, Sec. 36-29-14 am'd.

H. 541 - By Hawkins 94

Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.

H. 393 - By Escott-Russell (As Substituted) 56

School breakfast and lunch progs., implementation req. in cert. schools

H. 51 - By Freeman 37

Budgets, Gov. req. to submit to legislature prior to each session, Sec. 41-19-7 am'd.

H. 53 - By Freeman 37

Legislative meetings, organizational, special, and annual sessions, times set for annual regular, annual budget, and any special sessions, consti. amend.

H. 675 - By Carothers 104

Animal research, agricultural, commercial or ed. facilities, crimes re, penalties

<u>H. 695</u> - By Johnson	154
Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners	
<u>H. 521</u> - By Harper	102
Attorney General, appointment of investigators, salaries, authority and duties provided for	
<u>H. 374</u> - By Zoghby (As Amended)	93
Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center	
<u>H. 296</u> - By Warren (As Substituted)	22
Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.	
<u>H. 412</u> - By Morrow	33
Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.	
<u>H. 6</u> - By Powell (As Amended)	48
Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.	
<u>H. 259</u> - By Williams	45
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 687</u> - By Carothers (As Amended)	105
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
<u>H. 583</u> - By Venable (As Substituted)	103
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	

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H. 697 - By Perdue

132

Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.

H. 729 - By McDaniel (As Amended)

141

Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.

H. 141 - By Penry

23

Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.

H. 306 - By Beasley

16

Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.

H. 30 - By Box

14

Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction

H. 31 - By Box

14

Materialmen, civil actions against, statute of limitations

H. 57 - By Cullins

70

Motor vehicles, lighting equipment must be used when windshield wipers are in use, Sec. 32-5-240 am'd.

H. 123 - By Turnham

32

Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted)

95

District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.

H. 345 - By Rogers (J) 86

Alcoholic beverages, Sunday sales, referendums in wet cos. and muns.

H. 453 - By Hooper 27

Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.

H. 581 - By Johnson (As Amended) 175

Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.

H. 145 - By Mathis (As Substituted) 22

Alcoholic beverages, local option auth. for muns. of 4,000 or more, Secs. 28-2A-1, 28-2A-3, 28-2A-4 am'd.

SUBSTITUTE TABLED

On motion of Representative Carter, the substitute offered by Representative Rich to the resolution, H.R. 387, was tabled.

Yeas 45; Nays 27.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Escott-Russell, Ford, Freeman, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holmes, Johnson, Kennedy, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Perdue, Petelos, Spratt, Thomas, Warren, Willis and Zoghby.

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Nay:

Representatives Biddle, Cosby, Curry, Dolbare, Drake, Gaston, Hamilton, Haney, Hill, Holley, Hooper, Knight, Laird, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Poole, Rich, Richardson, Sanderford, Smith (R), Walker and Williams.

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SUBSTITUTE OFFERED

Representative Mathis offered the following substitute #2 to the resolution, H.R. 387:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-seventh legislative day, Thursday, April 30, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 772</u> - By Harper (As Substituted)	120
Public School and College Authority, selling of bonds auth.	
<u>H. 302</u> - By Carns	2
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>H. 408</u> - By Turnham	41
Driver licenses, notification after expiration, grace period, Sec. 32-6-1 am'd.	
<u>H. 69</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 145</u> - By Mathis	22
<u>H. 71</u> - By Harper	146
Alcoholic Beverage Control Bd., approp.	
<u>H. 570</u> - By Haynes	54
District attys., restitution recovery division estab. to recover ct. costs, fines and restitution, percentage to dist. atty.'s office to operate division, criminal procedure estab.	
<u>H. 798</u> - By Kennedy	167
Microbreweries, manufacture and sale of alcoholic beverages auth., no separation of financial and business interest classes, ABC Bd. to regulate, bond req.	

<u>H. 45</u> - By Petelos (As Amended)	17
Loan brokers reg., enforcement by Banking Dept., penalties, remedies	
<u>H. 837</u> - By Bryant	172
Agricultural aircraft and other aircraft permitted by Aeronautics Dept., auth. to use co. and mun. roads to take off and land for crop dusting, immunity, local gov. body to desig. roads to be used	
<u>H. 266</u> - By Rogers (F)	100
Judicial Retirement System, cert. retired dist. judges, retirement benefits incr.	
<u>H. 365</u> - By Campbell	113
Tuition guaranty fund, reimbursement to students of cert. proprietary (for profit) postsecondary institutions which close	
<u>H. 394</u> - By McDowell (As Amended)	79
Counties, liability for indigent residents treated at a regional referral hospital in another co., clarified, Sec. 22-21-291 am'd.	
<u>H. 640</u> - By Sanderson (As Amended)	117
Recording fees, add'l. fee on recording real prop. instruments levied, distrib. to State Land Surveys Div. of Conservation and Natural Resources Dept., fee to judge of probate	
<u>H. 341</u> - By Lindsey	20
Boat registration, notarized bill of sale req., Secs. 33-5-11, 33-5-15 and 33-5-17 am'd.	
<u>H. 699</u> - By Lindsey	135
Disparagement, crime defined, cause of action incl. damages, loss of perishable agricultural and aquacultural products	
<u>H. 387</u> - By Starkey	114
State employees health insurance plan, participation by add'l. entities, eligibility requirements, withdrawal, Sec. 36-29-14 am'd.	

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H. 541 - By Hawkins

94

Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.

H. 393 - By Escott-Russell (As Substituted)

56

School breakfast and lunch progs., implementation req. in cert. schools

H. 51 - By Freeman

37

Budgets, Gov. req. to submit to legislature prior to each session, Sec. 41-19-7 am'd.

H. 53 - By Freeman

37

Legislative meetings, organizational, special, and annual sessions, times set for annual regular, annual budget, and any special sessions, consti. amend.

H. 675 - By Carothers

104

Animal research, agricultural, commercial or ed. facilities, crimes re, penalties

H. 695 - By Johnson

154

Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners

H. 521 - By Harper

102

Attorney General, appointment of investigators, salaries, authority and duties provided for

H. 374 - By Zoghby (As Amended)

93

Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center

H. 296 - By Warren (As Substituted)

22

Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.

<u>H. 412</u> - By Morrow	33
Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.	
<u>H. 6</u> - By Powell (As Amended)	48
Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.	
<u>H. 259</u> - By Williams	45
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 687</u> - By Carothers (As Amended)	105
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
<u>H. 583</u> - By Venable (As Substituted)	103
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	
<u>H. 697</u> - By Perdue	132
Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.	
<u>H. 729</u> - By McDaniel (As Amended)	141
Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.	
<u>H. 141</u> - By Penry	23
Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.	
<u>H. 306</u> - By Beasley	16
Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.	

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H. 30 - By Box 14

Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction

H. 31 - By Box 14

Materialmen, civil actions against, statute of limitations

H. 57 - By Cullins 70

Motor vehicles, lighting equipment must be used when windshield wipers are in use, Sec. 32-5-240 am'd.

H. 123 - By Turnham 32

Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted) 95

District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.

H. 345 - By Rogers (J) 86

Alcoholic beverages, Sunday sales, referendums in wet cos. and muns.

H. 453 - By Hooper 27

Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.

H. 581 - By Johnson (As Amended) 175

Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.

H. 145 - By Mathis (As Substituted) 22

Alcoholic beverages, local option auth. for muns. of 4,000 or more, Secs. 28-2A-1, 28-2A-3, 28-2A-4 am'd.

SUBSTITUTE ADOPTED

And the substitute #2 was adopted.

Yeas 54; Nays 23.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Collins, Ford, Freeman, Goodwin, Grayson, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Perdue, Powell, Rogers (F), Smith (R), Spratt, Starkey, Venable, Willis and Zoghby.

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Nay:

Representatives Blakeney, Cosby, Curry, Dolbare, Drake, Gaines, Gaston, Hamilton, Haney, Hooper, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Payne, Rich, Richardson, Sanderson, Walker, Warren and Williams.

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And the resolution, H.R. 387, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 209. COMMENDING DONALD C. "RADAR" RADCLIFF ON HIS DISTINGUISHED ACHIEVEMENTS IN PROMOTING AND CONTROLLING WILD TURKEYS.

Also:

H.J.R. 217. COMMENDING ANN MCMILLIAN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 219. COMMENDING JAMES H. FAULKNER OF BAY MINETTE, ALABAMA.

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Also:

H.J.R. 221. HONORING THE LATE VIRGIL HARRIS MULKEY, 1900-1989.

Also:

H.J.R. 222. CONGRATULATING MRS. PEARL OCTAVIA TILLMAN ON THE OCCASION OF HER 104TH BIRTHDAY.

Also:

H.J.R. 224. COMMENDING DR. ELLIS F. PORCH OF ARAB, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

Also:

H.J.R. 228. COMMENDING WENDY NEUENDORF OF GREENVILLE, ALABAMA, MISS ALABAMA 1991.

Also:

H.J.R. 230. COMMENDING THE MOUNTAIN BROOK HIGH SCHOOL DEBATE/FORENSIC TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 236. CONGRATULATING MR. AND MRS. HANSEL BERNARD PAYNE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 237. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, ON THE 1991 STATE CLASS 4A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 239. CONGRATULATING MORRIS L. MAYER UPON HIS INDUCTION INTO THE AMERICAN COLLEGIATE RETAILING ASSOCIATION HALL OF FAME, 1992.

Also:

H.J.R. 241. COMMENDING SHAWN JUNKINS ON HER ELECTION AS PRESIDENT OF THE STUDENT BAR ASSOCIATION, CUMBERLAND SCHOOL OF LAW.

Also:

H.J.R. 242. COMMENDING THE FAULKNER UNIVERSITY EAGLES ON THE 1992 NAIA DISTRICT 27 CHAMPIONSHIP.

Also:

H.J.R. 249. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL LADY TIGERS AS THE 1992 STATE CLASS 3A GIRLS BASKETBALL CHAMPIONS.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 284. COMMEMORATING THE ESTABLISHMENT, IN 1862, OF MAGNOLIA BAPTIST CHURCH IN BROMLEY, ALABAMA.

Also:

H.J.R. 285. COMMENDING OZZIE NEWSOME ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

H.J.R. 294. COMMENDING MR. BOB MEEKS FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 295. COMMENDING FRANK DEWBERRY OF ESCAMBIA COUNTY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 296. COMMENDING CLIFFORD S. SMITH UPON HIS RETIREMENT AS PHENIX CITY SCHOOL SUPERINTENDENT.

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Also:

H.J.R. 297. COMMENDING DR. CORDELL WYNN, PRESIDENT OF STILLMAN COLLEGE, FOR ELECTION AS CHAIR OF THE PRESIDENTS OF THE UNITED NEGRO COLLEGE FUND MEMBER INSTITUTIONS.

Also:

H.J.R. 298. COMMENDING KEITH DALE BLAYNEY, PH.D., FORMER DEAN, UAB SCHOOL OF HEALTH RELATED PROFESSIONS.

Also:

H.J.R. 299. COMMENDING THE HONORABLE BILLY J. BLACKMON, MAYOR OF THE CITY OF OZARK.

Also:

H.J.R. 300. MOURNING THE DEATH OF MR. FRANK J. HELDERMAN.

Also:

H.J.R. 328. RECOGNIZING THE ALABAMA WOMEN'S ACADEMY OF HONOR AND THE ACADEMY'S 1992 INDUCTEES.

**MCDOWELL LEE
Secretary**

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 97. MOURNING THE DEATH OF JOSEPH H. LOCKE OF MOBILE, ALABAMA.

Also:

H.J.R. 98. COMMENDING JAMES R. THOMPSON, JR., OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 105. COMMENDING COACH WILLIAM "CAP" BROWN ON HIS 800TH VICTORY

Also:

H.J.R. 109. COMMENDING DR. JULIUS R. BROWN FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 125. COMMENDING DONALD R. JARRELS OF HOKES BLUFF, ALABAMA FOR OUTSTANDING ACHIEVEMENT, AND DESIGNATING GADSDEN STATE COMMUNITY COLLEGE AS THE "NORTHEAST ALABAMA LEARNING CRAFT TRAINING CENTER."

Also:

H.J.R. 126. MOURNING THE DEATH OF ELLEN ROGERS TROTMAN OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 136. COMMENDING ROBIN A. LITAKER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 137. COMMENDING JANET PATRICIA MURRAY OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 143. COMMENDING RICHARD SCRUSHY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 160. MOURNING THE DEATH OF HENRY PAUL HAAS OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 161. COMMENDING EUNIE WALLDORF SMITH FOR OUTSTANDING SERVICE IN SUPPORT AND LEADERSHIP OF PRO-FAMILY AND PRO-LIFE CAUSES.

Also:

H.J.R. 163. COMMENDING JOYCE HAKLAR GRIFFIN OF HUNTSVILLE, ALABAMA.

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Also:

H.J.R. 165. COMMENDING A. HOLMES WHIDDON OF MOBILE, ALABAMA, ON HIS APPOINTMENT AS ALABAMA'S FIRST ENVIRONMENTAL COURT JUDGE.

MCDOWELL LEE
Secretary

RECESS

On motion of Representative Harper, the House recessed.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Lindsey (With Notice and Proof):

S. 600. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senators Lindsey and Sanders (With Notice and Proof):

S. 601. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 601, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Lindsey (With Notice and Proof):

S. 602. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 602, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senators Lindsey and Sanders (With Notice and Proof):

S. 603. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 603, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 604. Relating to Lowndes County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; to provide for an expense allowance for the tax assessor for administering this act; and to provide for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 604, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 600. Local Legislation No. 1.
- S. 601. Local Legislation No. 1.
- S. 602. Local Legislation No. 1.
- S. 603. Local Legislation No. 1.
- S. 604. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Dial (With Notice and Proof):

S. 572. Relating to Clay County; to increase the emergency telephone service charges and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 572, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Windom (With Notice and Proof):

S. 577. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 577, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Mitchell (With Notice and Proof):

S. 586. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 586, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Dial (With Notice and Proof):

S. 587. Relating to Cleburne County; to increase the emergency telephone service charges and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 587, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Windom (With Notice and Proof):

S. 579. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 579, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 572. Local Legislation No. 1.
- S. 577. Local Legislation No. 3.
- S. 586. Local Legislation No. 1.
- S. 587. Local Legislation No. 1.
- S. 579. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedsole (With Notice and Proof):

S. 561. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same, to the city; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 564. Supplementing the salary of a supernumerary district attorney for the 36th Judicial Circuit from the county general fund of the county within the circuit.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 564, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Ghee (With Notice and Proof):

S. 590. Regulating sales of alcoholic beverages in Calhoun County; imposing a sales tax on spirituous or vinous liquors sold for on-premises consumption in the county; providing for the administration and enforcement of this act; providing penalties for violations; and specifically repealing Act No. 1014, S. 1134 of the 1975 Regular Session and Act No. 2220, H. 2829 of the 1971 Regular Session.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 590, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 605. Relating to Lowndes County; providing for an additional expense allowance for the Sheriff.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 605, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 561. Local Legislation No. 3.
- S. 564. Local Legislation No. 1.
- S. 590. Local Legislation No. 1.
- S. 605. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Campbell (With Notice and Proof):

S. 563. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; and to limit any liability of the county in the operation of volunteer fire departments.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 563, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 565. Relating to Lawrence County; to provide for the establishment of a county public authority or corporation for the unified economic development of the county to consolidate any existing public authorities or corporations created by Lawrence County pursuant to Amendment No. 190 of the Constitution of Alabama of 1901.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 565, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 566. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Moulton in Lawrence County; and to provide for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 566, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 568. Relating to Lawrence County; providing for a county personnel board to implement and administer a certain county personnel system; providing that certain county personnel shall be employed outside of the county personnel system; providing that any county employee displaced by an appointment made outside of the system shall be entitled to be transferred under the county personnel system to another county position with an equal or better compensation schedule; and providing a certain increase in compensation for certain county employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 568, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell:

S. 594. To propose a constitutional amendment relating to Lawrence County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to provide for approval.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 563. Local Legislation No. 1.
- S. 565. Local Legislation No. 1.
- S. 566. Local Legislation No. 1.
- S. 568. Local Legislation No. 1.

Also:

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the Standing Committee as follows:

- S. 594. Local Legislation No. 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senators Windom and Bedsole (With Notice and Proof):

S. 578. Relating to Mobile County; to allow persons, regardless of profession, to be duly appointed to and to serve on any Mobile County board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Mobile County; and making the effect retroactive to January 1, 1973.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 578, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Ghee (With Notice and Proof):

S. 591. Relating to Calhoun County; providing further for the distribution of the beer taxes imposed pursuant to Section 28-3-190, Code of Alabama 1975 and providing for retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 591, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 567. Relating to Lawrence County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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| S. | 578. | Local Legislation No. 3. |
| S. | 591. | Local Legislation No. 1. |
| S. | 567. | Local Legislation No. 1. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Bedsole (With Notice and Proof):

S. 606. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings;

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to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 606, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Lindsey (With Notice and Proof):

S. 609. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 609, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Denton (With Notice and Proof):

S. 613. Relating to Colbert County; fixing the fee for the issuance of pistol permits, providing for the deposit of the fees in a fund known as the Sheriff's Special Fund, and providing for the disposition of these fees, and specifically repealing Act No. 81-227, H. 669, 1981 Regular Session (Acts 1981, p. 306).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 613, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Preuitt (With Notice and Proof):

S. 614. To amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session, to exempt the City Clerk of Talladega, Alabama, from the city civil service system.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 614, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Bolling (With Notice and Proof):

S. 623. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Haleyville in Winston County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 623, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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| S. | 606. | Local Legislation No. 3. |
| S. | 609. | Local Legislation No. 1. |
| S. | 613. | Local Legislation No. 1. |
| S. | 614. | Local Legislation No. 1. |
| S. | 623. | Local Legislation No. 1. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Bedsole (With Notice and Proof):

S. 562. Relating to Mobile County; to amend Act No. 83-731, S. 377, 1983 Regular Session, which created the Mobile County Bingo Act, to provide further for the operation of bingo games in the county.

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 562, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 615. Relating to Perry County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; and to provide for an effective date.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 615, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

Also:

By Senator Mitchem (With Notice and Proof):

S. 617. Relating to Marshall County; to require that all constables, elected or appointed in the county after the effective date of this act, shall have attended and completed a course of study at a police academy and shall be in full compliance with the minimum standards under the Peace Officers' Standards and Training Statutes, and to exempt any constable holding office in Marshall County on the effective date of this act from its provisions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

MCDOWELL LEE, SECRETARY

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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| S. | 562. | Local Legislation No. 3. |
| S. | 615. | Local Legislation No. 1. |
| S. | 617. | Local Legislation No. 1. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dial:

S. 451. Allowing certain retired judges of probate to qualify for maximum disability pension benefits under the Judicial Retirement Fund by using certain service as a circuit clerk and to provide for the cost of any increased benefits.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

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| S. | 451. | Ways and Means. |
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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Foshee:

S. 213. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

Also:

By Senators deGraffenried, Parsons, Little, Barron, and Campbell:

S. 384. To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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| S. | 213. | Ways and Means. |
| S. | 384. | Education. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchem:

S. 69. To provide that certain full-time employees and executive officers of the Alabama state special olympics, inc., may elect to become members of the teachers' retirement system of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system retroactively.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 69. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Campbell:

S. 329. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property; and to provide for the retroactive effect of this act.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 329. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Denton:

S. 16. Providing for distinctive motor vehicle license tags or plates for supporters of "Square and Round Dance"; prescribing the fees for these tags and plates; providing for disposition of the net proceeds from the fees, and providing for a delayed effective date.

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Also:

By Senator Mitchell:

S. 232. To provide that any elected county official participating in the Employees' Retirement System as a member thereof may, prior to September 30, 1993, elect to cease membership in said system; and to provide that in the event of the making of such election, such official's right to receive benefits otherwise under said system shall not be affected.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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| S. | 16. | Ways and Means. |
| S. | 232. | Local Government. |

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Smith (B):

S. 19. To provide for mandatory errors and omissions insurance coverage for all active real estate licensees; to authorize the real estate commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 19. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bills and sends same herewith to the House:

By Senator Corbett:

S. 447. To establish the Alabama Small Business Incubator Act of 1992 to promote and establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs.

Also:

By Senator Bedsole:

S. 389. To amend Sections 12-15-1, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Alabama Juvenile Justice Act to provide further for the multiple needs child; to create a state children's services facilitation team and a county children's services facilitation team in each county; to create the Multiple Needs Child Fund; and to appropriate sums from the General Fund and the Special Educational Trust Fund.

Also:

By Senator Waggoner:

S. 70. To amend Section 32-5-76 of the Code of Alabama 1975, to provide for certain loads on motor vehicles to be covered and secured and to provide for exemptions.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 447. Commerce, Transportation and Utilities.
- S. 389. Judiciary.
- S. 70. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 249. To amend Section 12-18-6, Code of Alabama 1975, as amended, relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals and judges of circuit courts, so as to further provide therefor.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

- S. 249. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner:

S. 248. To exempt all property owned by Community Health Systems, Inc. and the Walker Regional Medical Center from any state, county, and local ad valorem taxes.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 248. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senator Sanders:

S. 359. To increase the number of trustees on the Board of Trustees of Selma University and provide for their appointment.

Also:

By Senators Dixon and Waggoner:

S. 452. To authorize payroll deductions for state employees for the Foster Care Trust Fund.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

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- S. 359. Education.
- S. 452. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House:

By Senators Amari, Parsons, Wilson, and Waggoner:

S. 234. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975; and providing for a delayed effective date.

Also:

By Senator Langford:

S. 371. To amend Section 36-7-1 of the Code of Alabama 1975, to provide that certain requirements relating to the reimbursement of travel expenses of municipal officers and employees will not apply to the use of municipal credit cards by these officers and employees.

Also:

By Senator Bailey:

S. 518. To amend Section 27-44-3, Code of Alabama 1975, relating to the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association, to restrict the coverage by the association to residents of the State of Alabama except as specified herein.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the foregoing Message from the Senate, were severally read one time and referred to the appropriate Standing Committees as follows:

- S. 234. Commerce, Transportation and Utilities.
- S. 371. Local Government.
- S. 518. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Horn:

S. 434. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 434. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 540. Relating to the preservation and development of coastal areas of this state; to declare a moratorium until January 1, 1995, on the permitting, construction, or expansion of any new or existing sanitary landfills in any county which contains coastal areas; and direct the Alabama Department of Environmental Management to conduct an environmental impact study during the moratorium period on the potential environmental impact that new sanitary landfills or expansions of existing sanitary landfills may have on the coastal waters, estuaries, and estuarine sanctuaries located in any county which contains coastal areas.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 540. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 276. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read a first time at length as required by the Constitution and referred to the appropriate Standing Committee as follows:

S. 276. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hilliard:

S. 373. To establish a Recycling Industry and Market Development Council

to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 373. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ellis:

S. 262. To amend Section 41-16-51, Code of Alabama 1975, to exempt purchases of computers and wordprocessing hardware and custom software from competitive bidding requirements.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 262. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

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By Senator Mitchell:

S. 324. To increase the attorney business license taxes, provide further for the collection of the taxes, and for the certification of names of licensed attorneys; and to amend Section 40-12-49, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 324. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 311. Relating to funding domestic violence centers; to amend Section 30-6-6 of the Code of Alabama 1975, to remove the requirement that one-half of the funding for facilities must be from local sources.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 311. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 525. To permit certain governmental entities to hedge against interest rate, investment, payment, and similar risks in connection with their proper activities by entering into "swap agreements" and provide for conditions, requirements and definitions applicable thereto.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 525. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Horn:

S. 428. To provide that certain full-time employees and executive officers of the Alabama Sports Festival, Inc., a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama; to provide that the Alabama Sports Festival, Inc., and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 428. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Lindsey:

S. 558. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 558. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Floyd:

S. 214. To amend Section 41-5-21, Code of Alabama 1975, relating to audit reports by the Office of Examiners of Public Accounts, so as to provide for confidentiality of the working papers used in the preparation of such audit reports.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 214. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bailey and Parsons:

S. 191. To extensively revise the current Child Labor Laws relating to employment and the safety, health and welfare of persons 17 years of age and younger in the workplace; to update the state statutes to conform to the Federal Child Labor Standards Act, as revised; to repeal conflicting laws and specifically Sections 25-8-1 through 25-8-31, Code of Alabama 1975, as amending the current Child Labor Laws; and to retain certain misdemeanor criminal penalties for violations.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 191. Business and Labor.

RESOLUTION

The following resolution was introduced:

By Representative Johnson:

H.J.R. 388. CONGRATULATING SYLACAUGA LADY AGGIES GIRL'S BASKETBALL TEAM ON THE 1992 STATE 5-A CHAMPIONSHIP.

WHEREAS, in the highest commendation the Legislature of Alabama congratulates the Sylacauga Lady Aggies Girl's Basketball Team on winning the State 5-A Championship on March 14, 1992; and

WHEREAS, under the talented leadership and direction of Coach Justin Martin and Derrick Crawford the Lady Aggies have gone to the State Finals in four of the last 5 years having a record of 25-2 in 1989-90, and 23-2 in 1990-91, and 24-2- in 1991-92; and

WHEREAS, the Sylacauga Lady Aggies Girl's Basketball Team has displayed a true championship spirit in competition, representing both Sylacauga High School and the community of Sylacauga with the highest example of sportsmanship, preparation, dedication, and inspiration in winning this event; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Sylacauga Lady Aggies Girl's Basketball Team of Sylacauga High School on their 1992 championship and do further direct that copies of this resolution be forwarded to the principal of Sylacauga High School, John Frank Carter and to Justin Martin and Derrick Crawford for appropriate presentation and school display.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 388, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Harper, the Budget Isolation Resolution and the bill, H. 772, were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 649. Relating to Barbour County; authorizing the county commission to

levy a special recording fee of \$3.00 in addition to all existing/recording fees and charges, for each such document hereafter filed for record in Barbour County; to be appropriated to the Barbour County general fund on a monthly basis to be used for general county purposes.

Also:

H. 650. Relating to Barbour County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on this act.

Also:

H. 652. Relating to Barbour County; providing for an additional special transaction fee on certain public business filed and transacted in the offices of the tax assessor, tax collector, or revenue commissioner, and providing for disposition of funds from the additional fees.

Also:

H. 653. Relating to Barbour County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 406. Relating to Calhoun County; providing that beer or ale may be sold in cans not exceeding 24 fluid ounces in size.

Also:

H. 501. Relating to Sumter County; to create a motor vehicle license and title division within the tax collector's office for the issuance of motor vehicle licenses and titles; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to transfer certain duties now performed by

the probate judge and tax assessor to said tax collector; and to provide for an expense allowance for the tax collector for the administering of this act.

Also:

H. 376. Relating to Blount County; to amend Section 2 of Act No. 316, H. 555, Regular Session 1973 (Acts 1973, p. 445, et seq.), which divides the county into districts for the election of the Blount County Board of Education, to redivide the county districts using current beat descriptions.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 253. COMMENDING E. STANLEY CRAWFORD FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 254. COMMENDING MEL WADE OF MURPHREE'S VALLEY AS THE 1991 EMT OF THE YEAR IN BLOUNT COUNTY.

Also:

H.J.R. 255. COMMENDING ROBERT GARTMAN, HEAD COACH AT MORGAN ACADEMY, SELMA, ALABAMA, FOR OUTSTANDING CAREER ACHIEVEMENTS.

Also:

H.J.R. 256. COMMENDING SELMA TELECABLE, RECIPIENT OF THE NATIONAL CABLE TELEVISION ASSOCIATION "SEAL OF GOOD CUSTOMER SERVICE."

Also:

H.J.R. 267. COMMENDING SHELBY COUNTY HIGH SCHOOL ON ITS SELECTION AS A "MOST IMPROVED" SCHOOL IN REDBOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT.

Also:

H.J.R. 268. COMMENDING RANDALL ATCHESON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 271. COMMENDING JAY DOBBS FOR WINNING HIS THIRD STATE WRESTLING CHAMPIONSHIP TITLE.

Also:

H.J.R. 277. COMMENDING OZELL THRASHER FOR DISTINGUISHED SERVICE TO THE ALABAMA ELK RIVER DEVELOPMENT AGENCY.

Also:

H.J.R. 279. COMMENDING MARY GRICE, RECIPIENT OF THE NSDAR MEDAL OF HONOR.

Also:

H.J.R. 281. COMMENDING THE NATIONALLY RECOGNIZED "PROJECT GENESIS" PROGRAM.

Also:

H.J.R. 282. COMMENDING MR. LARRY DOBBINS ON HIS SELECTION FOR MEMBERSHIP ON THE COMMITTEE ON SCIENCE AND THE ARTS AT THE FRANKLIN INSTITUTE.

Also:

H.J.R. 283. COMMENDING REPRESENTATIVE CLAUDE HARRIS ON HIS RETIREMENT FROM THE U.S. CONGRESS.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Cosby, Thomas and Bryant:

H.R. 389. COMMENDING THE SELMA-DALLAS COUNTY ECONOMIC DEVELOPMENT AUTHORITY AND THE TARGET 2000 CAMPAIGN.

Also:

By Representative Newton (D):

H.R. 390. HONORING REPRESENTATIVE GEORGE PERDUE OF DISTRICT 54, JEFFERSON COUNTY ALABAMA

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 313. COMMENDING JASPER JONES OF EVA, ALABAMA, ON HIS RETIREMENT.

Also:

H.J.R. 314. DESIGNATING "FOUNDERS DAY 1992" IN THE CITY OF ADAMSVILLE.

Also:

H.J.R. 315. COMMENDING MONTGOMERY DIVISION OF WINN-DIXIE, INC.

Also:

H.J.R. 316. COMMENDING THE ROBERT E. LEE HIGH SCHOOL GENERALS ON THE 1991 STATE 6A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 324. COMMENDING MARTHA JENKINS BROOKS FOR OUTSTANDING SERVICE.

Also:

H.J.R. 325. COMMENDING BYRD ELEMENTARY SCHOOL OF SELMA, ALABAMA, FOR ITS ENVIRONMENTAL EDUCATION PROGRAM.

Also:

H.J.R. 326. COMMENDING SELMA HIGH SCHOOL STUDENTS UPON WINNING DISTRIBUTIVE EDUCATION CLUBS OF AMERICA STATE TITLES.

Also:

H.J.R. 327. COMMENDING MR. GEORGE EVANS FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 329. COMMENDING JAMES A. MOORE OF BESSEMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 333. DESIGNATING THE WEEK OF JUNE 21, 1992, AS "SHERIFFS' WEEK."

Also:

H.J.R. 334. COMMENDING THE BAY MINETTE MIDDLE SCHOOL ON HAVING ONE OF SIX EXEMPLARY INNOVATIVE PROGRAMS.

Also:

H.J.R. 341. COMMENDING RUBIN LEWIS HANAN, MONTGOMERY, ALABAMA, ON OUTSTANDING ACHIEVEMENTS.

Also:

H.J.R. 336. RELATIVE TO MEETING DAYS

Also:

H.J.R. 355. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H.J.R. 356. CONGRATULATING THE UNIVERSITY OF ALABAMA ALL-CENTURY FOOTBALL TEAM.

Also:

H.J.R. 357. RECOGNIZING JOHN R. BROWN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 361. CONGRATULATING MR. AND MRS. WARREN L. MORRISON ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

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Also:

H.J.R. 362. COMMENDING THE ERWIN HIGH SCHOOL WRESTLING TEAM UPON WINNING THE 1992 STATE CHAMPIONSHIP.

Also:

H.J.R. 308. COMMENDING JAMES E. HILDRETH FOR OUTSTANDING SERVICE TO THE COFFEE COUNTY BOARD OF REGISTRARS.

Also:

H.J.R. 311. COMMENDING THE MORGAN ACADEMY SENATORS ON THEIR STATE FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 319. COMMENDING KEVIN TURNER OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

Also:

H.J.R. 320. COMMENDING THE GRACIOUS PEOPLE OF MOBILE, WHO HAVE BEEN NATIONALLY RECOGNIZED AS AMONG THE MOST POLITE CITIZENS IN AMERICA.

Also:

H.J.R. 332. COMMENDING CONGRESSMAN BILL DICKINSON FOR HIS LIFE OF EXEMPLARY PUBLIC SERVICE UPON HIS RETIREMENT.

Also:

H.J.R. 335. COMMENDING ALABAMA GORDON WILLIAMS ON HER 100TH BIRTHDAY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint

Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 302 AGAIN TAKEN UP

And the bill:

H. 302. To require public schools in Alabama to emphasize responsible sexual behavior and prevention of illegal drug use in those programs and curriculum that include instruction on such subjects; to specify the minimum contents to be included in that instruction; and to outline conduct that is improper or unlawful for school-age children.

and the pending amendment offered by Representative Carns and the pending substitute offered by Representative Clark (W) on the twenty-sixth legislative day were again taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the substitute offered by Representative Clark (W) to the bill, H. 302, and to the pending amendment offered by Representative Carns:

A BILL TO BE ENTITLED AN ACT

To require public schools in Alabama to emphasize responsible sexual behavior and prevention of illegal drug use in those programs and curriculum that include instruction on such subjects.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In public schools which provide instruction in sexual behavior and prevention of illegal drug use and alcohol abuse, the State Board of Education shall describe a curriculum which also include the teaching of abstinence of sex, drugs and alcohol.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

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Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Representative Gaines to table the substitute offered by Representative Venable to the substitute offered by Representative Clark (W) to the bill, H. 302, and to the pending amendment offered by Representative Carns was lost.

Yeas 36; Nays 43.

Yea:

Representatives Anderson, Cagle, Carns, Collins, Cosby, Curry, Flowers, Gaines, Gaston, Hamilton, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight, Laird, Layson, Mathis, McDaniel, McKee, Millican, Morrow, Morton, Newton (D), Parker (T), Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderson, Smith (C) and Warren.

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Nay:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Escott-Russell, Freeman, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Higginbotham, Holladay, Kennedy, Letson, Lindsey, McClain, McDowell, Melton, Mikell, Newton (C), Parker (P), Smith (R), Spratt, Starkey, Turnham, Venable and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Biddle intended to vote "Yea" on the motion offered by Representative Gaines to table the substitute offered by Representative Venable to the substitute offered by Representative Clark (W) to the bill, H. 302, and to the pending amendment offered by Representative Carns.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Carns, the substitute offered by Representative Venable to the substitute offered by Representative Clark (W) to the bill, H. 302, and to the pending amendment offered by Representative Carns, was tabled.

Yeas 48; Nays 47.

Yea:

Representatives Anderson, Biddle, Cagle, Carns, Collins, Cosby, Crow, Cullins, Curry, Drake, Fuller, Gaines, Gaston, Hamilton, Haney, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Walker, Warren and Willis.

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Nay:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carter, Clark (W), Dolbare, Escott-Russell, Flowers, Ford, Freeman, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Higginbotham, Holladay, Holmes, Kennedy, Letson, Lindsey, McClain, McDowell, Melton, Mikell, Newton (C), Newton (D), Parker (P), Penry, Perdue, Spratt, Starkey, Turnham, Venable, Williams and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (W) and Buskey (JE):

H.R. 391. CONGRATULATING MRS. MINNIE TURNBO OF WHISTLER, ALABAMA, ON THE OCCASION OF HER 111TH BIRTHDAY.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 209. COMMENDING DONALD C. "RADAR" RADCLIFF ON HIS DISTINGUISHED ACHIEVEMENTS IN PROMOTING AND CONTROLLING WILD TURKEYS.

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Also:

H.J.R. 217. COMMENDING ANN MCMILLIAN FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 219. COMMENDING JAMES H. FAULKNER OF BAY MINETTE, ALABAMA.

Also:

H.J.R. 221. HONORING THE LATE VIRGIL HARRIS MULKEY, 1900-1989.

Also:

H.J.R. 222. CONGRATULATING MRS. PEARL OCTAVIA TILLMAN ON THE OCCASION OF HER 104TH BIRTHDAY.

Also:

H.J.R. 224. COMMENDING DR. ELLIS F. PORCH OF ARAB, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

Also:

H.J.R. 228. COMMENDING WENDY NEUENDORF OF GREENVILLE, ALABAMA, MISS ALABAMA 1991.

Also:

H.J.R. 230. COMMENDING THE MOUNTAIN BROOK HIGH SCHOOL DEBATE/FORENSIC TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 236. CONGRATULATING MR. AND MRS. HANSEL BERNARD PAYNE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 237. COMMENDING T. R. MILLER HIGH SCHOOL, BREWTON, ALABAMA, ON THE 1991 STATE CLASS 4A FOOTBALL CHAMPIONSHIP.

Also:

H.J.R. 239. CONGRATULATING MORRIS L. MAYER UPON HIS INDUCTION INTO THE AMERICAN COLLEGIATE RETAILING ASSOCIATION HALL OF FAME, 1992.

Also:

H.J.R. 241. COMMENDING SHAWN JUNKINS ON HER ELECTION AS PRESIDENT OF THE STUDENT BAR ASSOCIATION, CUMBERLAND SCHOOL OF LAW.

Also:

H.J.R. 242. COMMENDING THE FAULKNER UNIVERSITY EAGLES ON THE 1992 NAIA DISTRICT 27 CHAMPIONSHIP.

Also:

H.J.R. 249. COMMENDING THE LAUDERDALE COUNTY HIGH SCHOOL LADY TIGERS AS THE 1992 STATE CLASS 3A GIRLS BASKETBALL CHAMPIONS.

Also:

H.J.R. 284. COMMEMORATING THE ESTABLISHMENT, IN 1862, OF MAGNOLIA BAPTIST CHURCH IN BROMLEY, ALABAMA.

Also:

H.J.R. 285. COMMENDING OZZIE NEWSOME ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

Also:

H.J.R. 294. COMMENDING MR. BOB MEEKS FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 295. COMMENDING FRANK DEWBERRY OF ESCAMBIA COUNTY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 296. COMMENDING CLIFFORD S. SMITH UPON HIS RETIREMENT AS PHENIX CITY SCHOOL SUPERINTENDENT.

Also:

H.J.R. 297. COMMENDING DR. CORDELL WYNN, PRESIDENT OF STILLMAN COLLEGE, FOR ELECTION AS CHAIR OF THE PRESIDENTS OF THE UNITED NEGRO COLLEGE FUND MEMBER INSTITUTIONS.

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Also:

H.J.R. 298. COMMENDING KEITH DALE BLAYNEY, PH.D., FORMER DEAN, UAB SCHOOL OF HEALTH RELATED PROFESSIONS.

Also:

H.J.R. 299. COMMENDING THE HONORABLE BILLY J. BLACKMON, MAYOR OF THE CITY OF OZARK.

Also:

H.J.R. 300. MOURNING THE DEATH OF MR. FRANK J. HELDERMAN.

Also:

H.J.R. 328. RECOGNIZING THE ALABAMA WOMEN'S ACADEMY OF HONOR AND THE ACADEMY'S 1992 INDUCTEES.

Also:

H.J.R. 97. MOURNING THE DEATH OF JOSEPH H. LOCKE OF MOBILE, ALABAMA.

Also:

H.J.R. 98. COMMENDING JAMES R. THOMPSON, JR., OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 105. COMMENDING COACH WILLIAM "CAP" BROWN ON HIS 800TH VICTORY

Also:

H.J.R. 109. COMMENDING DR. JULIUS R. BROWN FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 125. COMMENDING DONALD R. JARRELS OF HOKES BLUFF, ALABAMA FOR OUTSTANDING ACHIEVEMENT, AND DESIGNATING GADSDEN STATE COMMUNITY COLLEGE AS THE "NORTHEAST ALABAMA LEARNING CRAFT TRAINING CENTER."

Also:

H.J.R. 126. MOURNING THE DEATH OF ELLEN ROGERS TROTMAN OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 136. COMMENDING ROBIN A. LITAKER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 137. COMMENDING JANET PATRICIA MURRAY OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 143. COMMENDING RICHARD SCRUSHY OF SELMA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 160. MOURNING THE DEATH OF HENRY PAUL HAAS OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 161. COMMENDING EUNIE WALLDORF SMITH FOR OUTSTANDING SERVICE IN SUPPORT AND LEADERSHIP OF PRO-FAMILY AND PRO-LIFE CAUSES.

Also:

H.J.R. 163. COMMENDING JOYCE HAKLAR GRIFFIN OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 165. COMMENDING A. HOLMES WHIDDON OF MOBILE, ALABAMA, ON HIS APPOINTMENT AS ALABAMA'S FIRST ENVIRONMENTAL COURT JUDGE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 71. DESIGNATING A "LEGISLATIVE TEACHING DAY" IN ALABAMA.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 229. To make a supplemental appropriation to the Department of Finance - Telephone Revolving Fund in the amount of \$1,490,000 from the Alabama Special Educational Trust Fund and \$610,000 from the State General Fund for the fiscal year ending September 30, 1992.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 302 RESUMED**SUBSTITUTE TABLED**

On motion of Representative Carns, the substitute offered by Representative Clark (W) to the bill, H. 302, and to the pending amendment offered by Representative Carns, was tabled.

Yeas 56; Nays 28.

Yea:

Representatives Anderson, Beasley, Biddle, Burke, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, Millican, Morrow, Morton, Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Walker, Warren and Willis.

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Nay:

Mr. Speaker, Barnes, Black (L), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Clark (W), Escott-Russell, Grayson, Hammett, Harper, Higginbotham, Kennedy, McClain, McDowell, Newton (D), Parker (P), Penry, Perdue, Spratt, Starkey, Turnham, Venable and Zoghby.

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MOTION IN WRITING ADOPTED

Representative Dolbare offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

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Yeas 39; Nays 32.

Yea:

Representatives Beasley, Biddle, Cagle, Carns, Collins, Cosby, Crow, Dolbare, Freeman, Gaston, Hall, Hawkins, Hill, Hogan, Hooper, Knight, Layson, Letson, McDaniel, McKee, Melton, Millican, Morrow, Morton, Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Walker, Warren and Willis.

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Nay:

Mr. Speaker, Anderson, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carter, Escott-Russell, Flowers, Ford, Grayson, Gullatt, Hammett, Harper, Harvey, Higginbotham, Holladay, McClain, McMillan, Newton (C), Newton (D), Penry, Perdue, Turnham, Venable and Zoghby.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Carns to the bill, H. 302, and the amendment was adopted.

Yeas 69; Nays 12.

Yea:

Representatives Anderson, Beasley, Black (M), Bowling, Box, Burke, Butler, Cagle, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Mr. Speaker, Barnes, Black (L), Bryant, Buskey (JE), Buskey (JL), Campbell, Clay, Kennedy, McClain, McDowell and Thomas.

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And the bill, H. 302, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 15.

Yea:

Representatives Beasley, Biddle, Bowling, Box, Burke, Butler, Cagle, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Haney, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Venable, Walker, Warren, Williams and Willis.

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Nay:

Mr. Speaker, Barnes, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Clark (W), Clay, Grayson, Higginbotham, Kennedy, Penry and Thomas.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 607. Relating to Chambers County; providing for the operation and management of an inmate commissary at the Chambers County detention facility, retroactive to August 1, 1991.

Also:

H. 612. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Covington County, and to authorize the county commission to levy and collect certain additional property taxes for fire protection and rescue squads in the county.

Also:

H. 622. Relating to county government structure in Blount County; providing

for the construction, maintenance, and repair of public roads, highways, bridges, and ferries under the county unit system under the county-wide supervision of a county engineer; to provide that the position of county commissioner shall be part-time positions with compensation as provided under general law; and to repeal Act No. 85-620, H. 334 of the 1985 Regular Session (1985 Acts, p. 946) and Act No. 87-446 of the 1987 Regular Session (1987 Acts, p. 660) of the Alabama Legislature in conflict with these provisions.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 651. Relating to Barbour County; authorizing the county commission to levy and impose on lessors or renters of tangible personal property an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property payable; to provide for enforcement and for penalties for violations; and to provide for the distribution of the proceeds of the tax; and to provide for a referendum.

Also:

H. 655. Relating to Barbour County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

Also:

H. 747. Relating to the Town of Pollard, Alabama, in Escambia County; to create a trust account for the Town of Pollard for the benefit of the town and its citizens; to create a board of trustees to administer the account; to continue the account unless rejected at a referendum election; to provide for the corpus of the trust account, the distribution of account earnings, and for the reinvestment of funds of the trust.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 657. Relating to Clarke County government, to change the composition of the Clarke County Commission to provide that the Clarke County Commission shall consist of five members elected from five single-member districts, with the chairmanship to rotate among said five members; and said chairman shall preside at all meetings and shall be entitled to vote on all matters coming before the County Commission; to provide for the terms of said Commissioners, and to require that the members of the commission shall reside within the boundaries of each district; and repealing all conflicting laws.

Also:

H. 673. Relating to Cherokee County; to create a permanent office of license commissioner within the offices of the county courthouse for the issuance of certain licenses; to provide that the probate judge of Cherokee County shall be the permanent administrator of said office; to provide for the selection of personnel for such office; to provide certain duties for the license commissioner; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the mail system of renewal, which fees shall be set by the county commission, from time to time, in order to fund the cost of the mailing system; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes and the issuance of licenses by the license commissioner; to provide for the performance of certain duties in the office as designated by the county commission; to provide for a permanent expense allowance for the probate judge for the performance of duties as the license commissioner; and to specifically repeal Act No. 87-467, H. 826, 1987 Regular Session (Acts 1987, p. 703).

Also:

H. 692. Relating to Colbert County; providing for the levy of an additional recording fee upon documents filed for record with the judge of probate.

Also:

H. 735. Relating to Chilton County; authorizing the renewal of business licenses by mail; and establishing fees for the renewal.

Also:

H. 737. Providing for the distribution in Dale County of certain proceeds from beer taxes levied pursuant to Section 28-3-190, Code of Alabama 1975, and specifically repealing Act No. 88-950, H. 354, 1988 First Special Session.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 464. Proposing an amendment to the Constitution of 1901, consolidating under one county public authority or corporation any public authorities or corporations created by Lawrence County for economic development in Lawrence County pursuant to Amendment No. 190 of the Constitution of 1901, and all powers and authority granted to Lawrence County by Amendment No. 190; to provide that the county public authority or corporation shall assume any outstanding obligations created pursuant to Amendment No. 190.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

CO-SPONSOR REMOVED

At the request of Representative Penry, his name was removed as co-sponsor to the bill, H. 302.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Anderson, Carns and Hawkins intended to vote "Yea" on passage of the bill, H. 302.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 408, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Blakeney, Bowling, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Carter, Cosby, Crow, Cullins, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hill, Hogan, Holladay, Holley, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Powell, Rich, Richardson, Rockhold, Sanderford, Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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And the bill:

H. 408. This bill amends Section 32-6-1, Code of Alabama 1975, to delete the requirement that the Department of Public Safety shall mail renewal notices to each licensee at least 30 days prior to the expiration date of a driver's license; to provide for notification after 30 days if driver's license has not been renewed and to provide for a 60-day grace period.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Haynes, Hogan, Holladay, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 69, was adopted.

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Yeas 72; Nays 10.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Escott-Russell, Ford, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Biddle, Carns, Crow, Drake, Hammett, Holley, McKee, Payne, Richardson and Walker.

-10

And the bill:

H. 69. To make a supplemental appropriation of up to \$1,000,000 from the Alcoholic Beverage Control Board Fund to the Alcoholic Beverage Control Board, for fiscal year 1992-93, for the costs of a credit card purchase program.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 8.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carter, Clark (W), Cullins, Escott-Russell, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Powell, Rich, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Collins, Crow, Drake, Freeman, Hammett, Holley, Payne and Poole.

- 8

BUDGET ISOLATION RESOLUTION

On motion of Representative Mathis, the Budget Isolation Resolution relating to the bill, H. 145, was adopted.

Yeas 41; Nays 23.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Bowling, Box, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Ford, Goodwin, Grayson, Gullatt, Hammett, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt, Starkey, Venable and Zoghby.

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Nay:

Representatives Blakeney, Bryant, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Gaston, Hamilton, Laird, Layson, Lindsey, McKee, McMillan, Mikell, Morton, Powell, Rich, Thomas, Turnham, Walker and Warren.

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And the bill:

H. 145. To amend Sections 28-2A-1, 28-2A-3, and 28-2A-4 of the Code of Alabama 1975, relating to elections on the sale and distribution of alcoholic beverages within municipalities.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

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A BILL
TO BE ENTITLED
AN ACT

Relating to elections on the sale and distribution of alcoholic beverages within municipalities; and to amend Sections 28-2A-1, 28-2A-3, and 28-2A-4 of the Code of Alabama 1975, so as to further provide for municipal option elections.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-2A-1 of the Code of Alabama 1975, is amended to read as follows:

"§28-2A-1.

"(a) Any municipality having a population of ~~7,000~~ 4,000 or more may change its classification from dry to wet or wet to dry by a municipal option election, in the following manner:

"(b) Upon petition of 25 percent of the number of voters voting in the last preceding general election of the municipality being filed with the city or town clerk or governing body of ~~said the municipality, said the governing body must~~ shall call a municipal option election for ~~said the~~ municipality to determine the sentiment of the people as to whether or not alcoholic beverages can be legally sold or distributed in ~~said the~~ municipality. ~~Said The~~ petition for municipal option election shall contain the following: 'It is petitioned that a municipal option election be held to permit the legal sale and distribution of alcoholic beverages within this municipality.' On the ballot to be used for ~~such the~~ municipal option election, the question shall be in the following form: 'Do you favor the legal sale and distribution of alcoholic beverages within this municipality? Yes _____ No _____.'

"(c) ~~Said The~~ municipal option election shall be held and the officers appointed to hold same in the manner provided by law for holding other municipal elections and the returns thereof tabulated and the results certified as provided by law for ~~such~~ municipal elections. ~~Said The~~ municipal option election shall be held at the time of the primary, general, county-wide or municipal election or at any time set by the municipal governing body not less than 30 days nor more than 45 days next succeeding the date of the filing of said the petition; ~~provided, however, said election shall not be held within less than 30 days from the date of the filing of said petition.~~ Notice of ~~said the~~ municipal option election shall be given by the governing body of the municipality by publication at least three weeks before the date of election, in a newspaper in the municipality, or, if there be none, in a newspaper in the county, or, if there be neither, by posting ~~such the~~ notice at the town or city hall, apprising the voters of the municipality that a municipal option election shall be held to determine whether ~~such the~~ municipality shall be wet or dry under this chapter. The cost of ~~said the~~ municipal option election, including the cost of notice by publication, shall ~~be~~ paid out of the general fund of the municipality.

"(d) Only qualified voters ~~shall~~ may vote in ~~said the~~ said municipal option election. If a majority of the voters in ~~said the~~ said municipal option election vote 'yes,' ~~said the~~ said municipality shall be wet, and alcoholic beverages ~~can~~ may be legally sold, distributed, and consumed within the corporate limits of ~~said the~~ said municipality, and all of the provisions of Title 28, relating to alcoholic beverages in wet counties, including ~~chapters~~ Chapters 3, 3A, 6 and 7, shall be immediately put into operation with respect to and effective within the corporate limits of ~~said the~~ said municipality. ~~Said Notwithstanding the results of any subsequent county election or special method referendum, the municipality shall remain wet until said municipality shall be changed to a dry municipality at a in subsequent municipal option election held under this chapter. changed to a dry municipality, notwithstanding the results of any subsequent county election or special method referendum.~~ All other laws to the contrary notwithstanding, the electors residing within the corporate limits of any ~~such~~ the municipality that has become wet pursuant to a municipal option election held under this chapter shall not be entitled to vote in any subsequent county election or special method referendum held to determine if the county in which ~~such the~~ the municipality is located shall become wet. The question of whether ~~such the~~ the county shall become wet shall be decided by the electors of ~~such the~~ the county residing outside the corporate limits of ~~such the~~ the wet municipality as otherwise provided by law.

"(e) If a majority of the voters voting in ~~said the~~ said municipal option election vote 'no,' ~~said the~~ said municipality shall be a dry municipality under the terms of this chapter until the county ~~shall~~, by subsequent election or special referendum, ~~vote~~ votes wet, or the municipality ~~shall~~, by a subsequent municipal option election held under this chapter, ~~vote~~ votes wet.

"(f) ~~Said~~ Any subsequent municipal option election in ~~said the~~ said municipality may be held at the time of any primary, general, county-wide, or municipal election, ~~provided a period of not less than occurring 720 days must elapse between the dates of such or more after the date of the preceding municipal option elections; provided further, that a election.~~ A county wet-dry election or special method referendum may be held at any time without regard to the lapse of time between the dates of any municipal option elections."

Section 2. Section 28-2A-3 of the Code of Alabama 1975 is amended to read as follows:

"§28-2A-3.

"It is hereby declared the intention and the purpose of this chapter to permit an election by the citizens of certain municipalities to determine the wet or dry status of ~~such~~ the municipalities with regard to the sale, distribution, and consumption of alcoholic beverages within the corporate limits of ~~such~~ the municipalities; ~~and further that such election shall be provided only in those municipalities which that~~ can provide safeguards for the protection of the public welfare, health, peace, and morals of the people. In the furtherance of the protection of the public welfare,

health, peace, and morals, the ~~legislature~~ Legislature has determined that a population classification should be established to provide this method of municipal option election only in those municipalities with a population of ~~7,000~~ 4,000 or more people within a county, which prior to that time had no wet municipality, or 2,000 or more people where the county has at least one other wet municipality, it being the judgment of the legislature Legislature that municipalities with a lesser population would be unable to support and maintain such protection ~~where such~~ when the municipality is located in a dry county, whereas a municipality of 7,000 or more population falling within these classifications would have the resources and ability to support and maintain such safeguards."

Section 3. Section 28-2A-4 of the Code of Alabama 1975, is amended to read as follows:

"§28-2A-4.

"If any municipality having a population of ~~7,000~~ 4,000 or more, of any county, votes to allow the sale of alcoholic beverages in its corporate limits pursuant to this chapter, then every other municipality having a population of ~~4,000~~ 2,000 or more in the county ~~shall be likewise authorized to~~ may petition for and hold an election on whether to legalize the sale of ~~such~~ alcoholic beverages in the same manner, and under the same conditions, as municipalities of ~~7,000~~ 4,000 or more."

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 35; Nays 15.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Escott-Russell, Grayson, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Payne, Penry, Perdue, Spratt and Starkey.

Nay:

Representatives Biddle, Collins, Cosby, Cullins, Dolbare, Gaston, Harvey, Holley, Laird, Layson, Lindsey, McDaniel, McKee, Thomas and Walker.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Blakeney offered the following amendment #1 to the bill, H. 145, as amended:

On page 1, in the Synopsis after the period on line 33, insert the following: This bill also would exempt Clarke County from the act.

On page 2, line 6, after the semi-colon add the following: to exempt Clarke County from the act;

On page 5, after line 2, insert a new Section 4 as follows, and renumber the remaining sections:

Section 4. Clarke County is hereby exempt from this act.

MOTION TO TABLE LOST

The motion offered by Representative Mathis to table the amendment offered by Representative Blakeney to the bill, H. 145, as amended, was lost.

Yeas 18; Nays 40.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Bowling, Bugg, Buskey (JL), Cagle, Carothers, Escott-Russell, Holmes, Hooper, Mathis, Melton, Newton (D), Perdue, Spratt and Zoghby.

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Nay:

Representatives Biddle, Blakeney, Bryant, Buskey (JE), Clark (W), Collins, Cosby, Crow, Cullins, Drake, Flowers, Gaston, Hamilton, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Payne, Rich, Richardson, Rockhold, Sanderford, Turnham, Venable, Walker, Warren, Williams and Willis.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Blakeney to the bill, H. 145, as amended, and the amendment was adopted.

Yeas 67; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Newton (D), Parker (P), Payne, Petelos, Powell, Rich, Richardson, Rockhold, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, Dolbare and Poole.

- 3

AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, H. 145, as amended:

On page 1, in the Synopsis after the period on line 33, insert the following: This bill also would exempt Clarke & Randolph Countys from the act.

On page 2, line 6, after the semi-colon add the following: to exempt Clarke & Randolph Countys from the act;

On page 5, after line 2, insert a new Section 4 as follows, and renumber the remaining sections:

Section 4. Clarke & Randolph Countys is hereby exempt from this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Blakeney, Bowling, Bryant, Bugg, Burke, Butler, Cagle, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kvalheim, Laird, Layson, Mathis, McDaniel, Mikell, Payne, Penry, Poole, Powell, Rich, Richardson, Smith (C), Smith (R), Starkey, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Barnes.

- 1

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, H. 145, as amended:

Amend H. 145 on page 6, line 10 by adding after the word "law" the following:

Section 6. The provisions of this act shall not apply to Cherokee County.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 1.

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Yea:

Mr. Speaker, Anderson, Beasley, Blakeney, Bowling, Bryant, Burke, Buskey (JL), Butler, Cagle, Carothers, Carter, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Mikell, Morton, Penry, Powell, Rich, Richardson, Sanderford, Smith (R), Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Barnes.

- 1

AMENDMENT OFFERED

Representative Layson offered the following amendment #1 to the bill, H. 145, as amended:

Amend H. 145 on page 6, add the following new Section 6. The provisions of this act shall not apply to any county which prohibits the sale of alcoholic beverages as of the effective date of this amendatory act.

MOTION TO TABLE LOST

The motion offered by Representative Mathis to table the amendment #1 offered by Representative Layson to the bill, H. 145, as amended, was lost.

Yeas 19; Nays 34.

Yea:

Mr. Speaker, Barnes, Blakeney, Box, Bryant, Buskey (JL), Butler, Cagle, Freeman, Grayson, Hall, Haynes, Higginbotham, Holmes, Hooper, Johnson, Mathis, McDowell and Zoghby.

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Nay:

Representatives Carns, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Gaston, Hamilton, Haney, Hill, Hogan, Holley, Knight, Laird, Layson, Lindsey, McDaniel, Melton, Mikell, Morton, Parker (P), Payne, Petelos, Powell, Rich, Richardson, Smith (C), Smith (R), Turnham, Williams and Willis.

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AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Layson to the bill, H. 145, as amended, and on motion of Representative Mathis, the amendment #1 was tabled.

Yeas 42; Nays 14.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Bowling, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carothers, Clark (W), Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, Melton, Mikell, Newton (C), Newton (D), Penry, Perdue, Poole, Richardson, Rogers (F), Spratt, Starkey and Zoghby.

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Nay:

Representatives Carns, Cosby, Crow, Cullins, Curry, Dolbare, Laird, Layson, Payne, Smith (C), Smith (R), Walker, Warren and Willis.

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AMENDMENT OFFERED

Representative Layson offered the following amendment #2 to the bill, H. 145, as amended:

On page 6, after line 6, add the following new Section 5 and renumber the remaining Section 5 to Section 6:

Section 5. The provisions of this act shall not apply to Pickens County.

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment #2 offered by Representative Layson to the bill, H. 145, as amended, was lost.

Yeas 24; Nays 25.

Yea:

Mr. Speaker, Barnes, Beasley, Box, Buskey (JE), Buskey (JL), Butler,

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Cagle, Clark (W), Escott-Russell, Freeman, Hall, Haney, Harper, Haynes, Higginbotham, Holmes, Johnson, Kennedy, Newton (C), Newton (D), Perdue, Spratt and Zoghby.

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Nay:

Representatives Anderson, Collins, Cosby, Crow, Cullins, Curry, Hamilton, Holley, Laird, Layson, Lindsey, McKee, Mikell, Poole, Powell, Rich, Richardson, Sanderford, Smith (C), Smith (R), Thomas, Turnham, Walker, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 656. Relating to Clarke County; providing for the county board of education to consist of five members elected from five single-member school board districts; providing for the division of Clarke County into five single-member county school board districts; providing for the terms of office; and repealing all conflicting laws.

Also:

H. 654. Relating to Barbour County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 739. Relating to Marshall County; to require the county commission, pursuant to the authority of Act No. 92-1, S. 12, 1992 First Special Session, to adopt a plan for single member districts for the county commission, and submit the plan to the United States Justice Department for preclearance by July 1, 1993; to require the plan to consist of four districts; and to provide for initial and subsequent terms of office.

Also:

H. 744. Relating to the City of Piedmont in Calhoun County; authorizing the city governing body to levy an additional ad valorem tax and providing for a referendum.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 649. Relating to Barbour County; authorizing the county commission to levy a special recording fee of \$3.00 in addition to all existing/recording fees and charges, for each such document hereafter filed for record in Barbour County; to be appropriated to the Barbour County general fund on a monthly basis to be used for general county purposes.

Also:

H. 650. Relating to Barbour County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on this act.

Also:

H. 652. Relating to Barbour County; providing for an additional special transaction fee on certain public business filed and transacted in the offices of the tax assessor, tax collector, or revenue commissioner, and providing for disposition of funds from the additional fees.

Also:

H. 653. Relating to Barbour County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

Also:

H. 406. Relating to Calhoun County; providing that beer or ale may be sold in cans not exceeding 24 fluid ounces in size.

Also:

H. 501. Relating to Sumter County; to create a motor vehicle license and title division within the tax collector's office for the issuance of motor vehicle licenses and titles; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to transfer certain duties now performed by

the probate judge and tax assessor to said tax collector; and to provide for an expense allowance for the tax collector for the administering of this act.

Also:

H. 376. Relating to Blount County; to amend Section 2 of Act No. 316, H. 555, Regular Session 1973 (Acts 1973, p. 445, et seq.), which divides the county into districts for the election of the Blount County Board of Education, to redivide the county districts using current beat descriptions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 253. COMMENDING E. STANLEY CRAWFORD FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 254. COMMENDING MEL WADE OF MURPHREE'S VALLEY AS THE 1991 EMT OF THE YEAR IN BLOUNT COUNTY.

Also:

H.J.R. 255. COMMENDING ROBERT GARTMAN, HEAD COACH AT MORGAN ACADEMY, SELMA, ALABAMA, FOR OUTSTANDING CAREER ACHIEVEMENTS.

Also:

H.J.R. 256. COMMENDING SELMA TELECABLE, RECIPIENT OF THE NATIONAL CABLE TELEVISION ASSOCIATION "SEAL OF GOOD CUSTOMER SERVICE."

Also:

H.J.R. 267. COMMENDING SHELBY COUNTY HIGH SCHOOL ON ITS SELECTION AS A "MOST IMPROVED" SCHOOL IN REDBOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT.

Also:

H.J.R. 268. COMMENDING RANDALL ATCHESON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H.J.R. 271. COMMENDING JAY DOBBS FOR WINNING HIS THIRD STATE WRESTLING CHAMPIONSHIP TITLE.

Also:

H.J.R. 277. COMMENDING OZELL THRASHER FOR DISTINGUISHED SERVICE TO THE ALABAMA ELK RIVER DEVELOPMENT AGENCY.

Also:

H.J.R. 279. COMMENDING MARY GRICE, RECIPIENT OF THE NSDAR MEDAL OF HONOR.

Also:

H.J.R. 281. COMMENDING THE NATIONALLY RECOGNIZED "PROJECT GENESIS" PROGRAM.

Also:

H.J.R. 282. COMMENDING MR. LARRY DOBBINS ON HIS SELECTION FOR MEMBERSHIP ON THE COMMITTEE ON SCIENCE AND THE ARTS AT THE FRANKLIN INSTITUTE.

Also:

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**H.J.R. 283. COMMENDING REPRESENTATIVE CLAUDE HARRIS ON
HIS RETIREMENT FROM THE U.S. CONGRESS.**

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 145 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 offered by Representative Layson to the bill, H. 145, as amended, and the amendment was adopted.

Yeas 43; Nays 13.

Yea:

Representatives Anderson, Barnes, Beasley, Carothers, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Knight, Laird, Layson, Lindsey, Mathis, Mikell, Morton, Newton (C), Parker (P), Payne, Poole, Powell, Rich, Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turnham, Warren, Williams and Willis.

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Nay:

Mr. Speaker, Box, Bryant, Buskey (JE), Cagle, Clark (W), Escott-Russell, Freeman, McDowell, Newton (D), Perdue, Spratt and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Representative Walker that the House adjourn was lost.

Yeas 10; Nays 63.

Yea:

Representatives Black (L), Cosby, Drake, Haney, Laird, Layson, McDaniel, McKee, Smith (R) and Walker.

-10

Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carothers, Clark (W), Crow, Curry, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Warren, Willis and Zoghby.

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H. 145 RESUMED**AMENDMENT OFFERED**

Representative Blakeney offered the following amendment #2 to the bill, H. 145, as amended:

Amend H. 145 as follows:

On page 1 in the synopsis in lines 23 and 33, delete "4,000" and insert in lieu thereof: 6,500,

Also in line 33, delete "2,000" and insert in lieu thereof: 3,500

On page 2 in Section 1, in line 14, delete "4,000" and insert in lieu thereof: 6,500

On page 5 in Sections 2 and 3, in lines 14 and 28, respectively, delete "4,000" and insert in lieu thereof: 6,500

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In lines 16 and 31, respectively, delete "2,000" and insert in lieu thereof: 3,500 and

On page 5, in line 2, delete "4,000" and insert in lieu thereof: 3,500

AMENDMENT TABLED

On motion of Representative Mathis, the amendment #2 offered by Representative Blakeney to the bill, H. 145, as amended, was tabled.

Yeas 28; Nays 20.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Freeman, Hall, Hamilton, Harper, Haynes, Johnson, Kennedy, Laird, Mathis, McClain, McDowell, Newton (C), Penry, Perdue, Warren and Zoghby.

-28

Nay:

Representatives Blakeney, Bryant, Collins, Cosby, Crow, Curry, Hogan, Holley, Layson, Lindsey, McDaniel, McKee, Mikell, Morton, Rockhold, Smith (C), Smith (R), Starkey, Walker and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Blakeney offered the following amendment #3 to the bill, H. 145, as amended:

On page 1, in the synopsis, in lines 9 and 23, delete the figure "7,000" and insert in lieu thereof: 6,000

On page 1, in lines 20, 23, and 33, delete the figure "4,000" and insert in lieu thereof: 3,000

On page 2, in line 14, delete the figure "4,000" and insert in lieu thereof the figure: 3,000

On page 5, in Sections 2 and 3, in lines 14 and 28, respectively, delete the figure "4,000" and insert in lieu thereof: 3,000

On page 6, in line 2, delete the figure "4,000" and insert in lieu thereof: 3,000

MOTION TO CARRY OVER TABLED

On motion of Representative Mathis, the motion offered by Representative Blakeney to carry over the bill, H. 145, as amended, and the pending amendment #3 offered by Representative Blakeney, to the twenty-ninth legislative day, was tabled.

Yeas 28; Nays 25.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bugg, Buskey (JE), Buskey (JL), Carothers, Escott-Russell, Freeman, Hall, Hamilton, Harper, Hawkins, Holmes, Johnson, Kennedy, Letson, Mathis, McClain, Melton, Newton (C), Newton (D), Penry, Perdue, Walker and Zoghby.

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Nay:

Representatives Blakeney, Bowling, Cagle, Carter, Collins, Cosby, Crow, Curry, Flowers, Ford, Gaines, Hill, Hogan, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Smith (C), Smith (R), Turnham and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 722. Relating to the City of Roanoke in Randolph County and the continued funding of education; calling an election on the question of renewing and continuing the ad valorem tax of five mills now levied in school district pursuant to Amendment 373 and Amendment 156 of the Constitution of 1901, and the

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laws of the state of Alabama or school district taxes, with collections continuing in 1992 for 1991 taxes and to be used by the city board of education for public school purposes in the city of Roanoke; specifying the conduct of the election and frequency of special elections on such tax.

Also:

H. 726. Relating to Shelby County; to amend and reenact Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), pertaining to a rehabilitation and work release program for jail inmates in certain counties classified on a population basis, so as to provide further for a work release program in Shelby County.

Also:

H. 734. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Carrollton in Pickens County subject to referendum approval by a majority of the qualified electors residing within the territory proposed to be annexed to the municipality.

Also:

H. 736. Relating to Mobile County, amending Act No. 970, S. 378, of the 1961 Regular Session, as amended, which act provides for an alternative method of vehicle license registration, so as to increase the mail fee pursuant to the alternative registration.

Also:

H. 748. Relating to Escambia County; making permissive the establishment of a county-wide personnel system; providing for the purpose and definitions; providing for principles; providing for continuation of employment; providing for the authority of the county commission; providing for the appointing authority; providing for the personnel department and the personnel board; providing for the procedures of the personnel board; and providing for employment, political activity and subsequently created elected offices.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 770. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Moulton in Lawrence County; and to provide for a referendum.

Also:

H. 771. Relating to Lawrence County; to provide for the establishment of a county public authority or corporation for the unified economic development of the county to consolidate any existing public authorities or corporations created by Lawrence County pursuant to Amendment No. 190 of the Constitution of Alabama of 1901.

Also:

H. 773. Repealing any limitation on the number of deputies that the Sheriff of Colbert County may employ and authorizing the county commission to prescribe the number of deputies that the sheriff may employ.

Also:

H. 775. Relating to Houston County; providing for merging the budgetary operations of the Revenue Commissioner's Office; providing that the office shall be financed, on a pro rata share basis, from the net proceeds of state, county, and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

Also:

H. 779. Relating to Chilton County, to amend Sections 1 and 2 of Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), increasing the pistol permit fee the Sheriff is required to charge, providing for the distribution of these funds, and to specifically repeal Act No. 79-597, H. 1039, 1979 Regular Session (Acts 1979, p. 1059).

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 20. Relating to Mobile County; providing that the Mobile county commission shall make an annual appropriation to the Mobile County School Board.

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Also:

H. 72. Relating to Mobile County; amending Act No. 85-339, H. 187, 1985 Regular Session, which prohibits the use of red clay on the beaches of Dauphin Island, so as to provide further for such prohibition.

Also:

H. 567. Relating to Shelby County; to allow persons engaged in the businesses of real estate broker or real estate agent to be duly appointed to and to serve on any Shelby County board or commission dealing with the planning, zoning, or subdivision of real estate in Shelby County or any municipal board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Shelby County; and to provide retroactive effect.

Also:

H. 568. Relating to Shelby County; amending Act No. 88-389, H. 803, 1988 Regular Session, which levies a tax on cigarettes, to include other tobacco products within the tax.

Also:

H. 600. Providing the Sheriff of Coosa County with a temporary additional expense allowance that shall expire on a certain date; and increasing the Sheriff's compensation at the commencement of the next term of office.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 673. Relating to Cherokee County; to create a permanent office of license commissioner within the offices of the county courthouse for the issuance of certain licenses; to provide that the probate judge of Cherokee County shall be the permanent administrator of said office; to provide for the selection of personnel for such office; to provide certain duties for the license commissioner; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and costs pursuant to the mail system of renewal, which fees shall be set by the county commission, from time to time, in

order to fund the cost of the mailing system; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes and the issuance of licenses by the license commissioner; to provide for the performance of certain duties in the office as designated by the county commission; to provide for a permanent expense allowance for the probate judge for the performance of duties as the license commissioner; and to specifically repeal Act No. 87-467, H. 826, 1987 Regular Session (Acts 1987, p. 703).

Also:

H. 692. Relating to Colbert County; providing for the levy of an additional recording fee upon documents filed for record with the judge of probate.

Also:

H. 735. Relating to Chilton County; authorizing the renewal of business licenses by mail; and establishing fees for the renewal.

Also:

H. 737. Providing for the distribution in Dale County of certain proceeds from beer taxes levied pursuant to Section 28-3-190, Code of Alabama 1975, and specifically repealing Act No. 88-950, H. 354, 1988 First Special Session.

Also:

H. 651. Relating to Barbour County; authorizing the county commission to levy and impose on lessors or renters of tangible personal property an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property payable; to provide for enforcement and for penalties for violations; and to provide for the distribution of the proceeds of the tax; and to provide for a referendum.

Also:

H. 655. Relating to Barbour County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act; and providing for a referendum.

Also:

H. 657. Relating to Clarke County government, to change the composition of the Clarke County Commission to provide that the Clarke County Commission shall consist of five members elected from five single-member districts, with the chairmanship to rotate among said five members; and said chairman shall preside at all meetings and shall be entitled to vote on all matters coming before the

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County Commission; to provide for the terms of said Commissioners, and to require that the members of the commission shall reside within the boundaries of each district; and repealing all conflicting laws.

Also:

H. 607. Relating to Chambers County; providing for the operation and management of an inmate commissary at the Chambers County detention facility, retroactive to August 1, 1991.

Also:

H. 622. Relating to county government structure in Blount County; providing for the construction, maintenance, and repair of public roads, highways, bridges, and ferries under the county unit system under the county-wide supervision of a county engineer; to provide that the position of county commissioner shall be part-time positions with compensation as provided under general law; and to repeal Act No. 85-620, H. 334 of the 1985 Regular Session (1985 Acts, p. 946) and Act No. 87-446 of the 1987 Regular Session (1987 Acts, p. 660) of the Alabama Legislature in conflict with these provisions.

Also:

H. 747. Relating to the Town of Pollard, Alabama, in Escambia County; to create a trust account for the Town of Pollard for the benefit of the town and its citizens; to create a board of trustees to administer the account; to continue the account unless rejected at a referendum election; to provide for the corpus of the trust account, the distribution of account earnings, and for the reinvestment of funds of the trust.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 145 RESUMED

AMENDMENT TABLED

The question was then on the adoption of the amendment #3 offered by Representative Blakeney to the bill, H. 145, as amended, and on motion of Representative Mathis, the amendment was tabled.

Yeas 34; Nays 28.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Blakeney, Box, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Freeman, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt and Zoghby.

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Nay:

Representatives Bryant, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Hamilton, Hill, Hogan, Holley, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Parker (T), Powell, Rich, Smith (C), Smith (R), Turnham, Walker, Warren and Willis.

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MOTION IN WRITING LOST

Representative Mathis offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was lost.

Yeas 28; Nays 35.

Yea:

Mr. Speaker, Barnes, Beasley, Bowling, Box, Bugg, Buskey (JL), Cagle, Campbell, Carothers, Escott-Russell, Freeman, Grayson, Hall, Haynes, Holmes, Hooper, Johnson, Letson, Mathis, McClain, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt and Zoghby.

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Nay:

Representatives Anderson, Blakeney, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Hamilton, Harvey, Hill, Hogan, Holley, Knight, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Powell, Rich, Rockhold, Smith (C), Smith (R), Turnham, Walker, Warren and Willis.

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AMENDMENT OFFERED

Representative Blakeney offered the following amendment #4 to the bill, H. 145, as amended:

On page 1, in the Synopsis on lines 9 and 16, respectively, delete "7,000", and insert in lieu thereof: 5,000

On page 1, on lines 20, 23, and 33, respectively, delete the figure "4,000", and insert in lieu thereof: 2,500

On page 2, on line 14, delete "4,000", and insert in lieu thereof: 2,500

On page 5, in Sections 2 and 3, on lines 14 and 28, respectively, delete "4,000", and insert in lieu thereof: 2,500

On page 6, on line 2, delete the figure "4,000", and insert in lieu thereof the following: 2,500

MOTION TO CARRY OVER TABLED

On motion of Representative Mathis, the motion offered by Representative Blakeney to carry over the bill, H. 145, as amended, and the pending amendment #4 offered by Representative Blakeney to the twenty-eighth legislative day, was tabled.

Yeas 35; Nays 34.

Yea:

Representatives Anderson, Barnes, Beasley, Box, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Freeman, Grayson, Gullatt, Hall, Harper, Hawkins, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt and Zoghby.

-35

Nay:

Representatives Blakeney, Bryant, Butler, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Gaston, Hamilton, Harvey, Hill, Hogan, Holley, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Powell, Rich, Rockhold, Smith (C), Smith (R), Turnham, Walker, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 612. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Covington County, and to authorize the county commission to levy and collect certain additional property taxes for fire protection and rescue squads in the county.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 654. Relating to Barbour County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 656. Relating to Clarke County; providing for the county board of education to consist of five members elected from five single-member school board districts; providing for the division of Clarke County into five single-member county school board districts; providing for the terms of office; and repealing all conflicting laws.

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Also:

H. 739. Relating to Marshall County; to require the county commission, pursuant to the authority of Act No. 92-1, S. 12, 1992 First Special Session, to adopt a plan for single member districts for the county commission, and submit the plan to the United States Justice Department for preclearance by July 1, 1993; to require the plan to consist of four districts; and to provide for initial and subsequent terms of office.

Also:

H. 744. Relating to the City of Piedmont in Calhoun County; authorizing the city governing body to levy an additional ad valorem tax and providing for a referendum.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 765. To authorize the governing body of Coosa County, Alabama, to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow the governing body to set the amount of the business or privilege license fee within certain limits for each type or category of business in the county and to prescribe rules and regulations for the administration and enforcement of the act.

Also:

H. 766. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to

authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; and to limit any liability of the county in the operation of volunteer fire departments.

Also:

H. 767. Supplementing the salary of a supernumerary district attorney for the 36th Judicial Circuit from the county general fund of the county within the circuit.

Also:

H. 768. Relating to Lawrence County; providing for a county personnel board to implement and administer a certain county personnel system; providing that certain county personnel shall be employed outside of the county personnel system; providing that any county employee displaced by an appointment made outside of the system shall be entitled to be transferred under the county personnel system to another county position with an equal or better compensation schedule; and providing a certain increase in compensation for certain county employees.

Also:

H. 769. Relating to Lawrence County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 19. Relating to Mobile County; providing that the City of Mobile and other municipalities shall make an annual appropriation to the Mobile County Board of Education.

Also:

H. 703. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530, Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fee.

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Also:

H. 704. To authorize the county commission of Bibb County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated within the county subject to the jurisdiction and control of the Bibb County Board of Education, the special countywide ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to the maximum rate, for any tax year of the County, which is equal to \$1.60 on each one hundred dollars (16 mills on each dollar) of assessed value.

Also:

H. 786. Relating to Shelby County; amending Act No. 82-693, H. 57, 1982 Second Special Session, as amended, which provides for the Shelby County Planning commission, to provide further for elections to determine coverage by the zoning regulations.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 789. Relating to Blount County; to provide for a long-range strategic planning commission to be known as the "Blount County 2020 Strategic Planning Commission"; to provide for the composition, officers, and duties of the commission.

MCDOWELL LEE
Secretary

H. 145 RESUMED

AMENDMENT TABLED

The question was then on the adoption of the amendment #4 offered by Representative Blakeney to the bill, H. 145, as amended, and on motion of Representative Mathis, the amendment #4 was tabled.

Yeas 36; Nays 29.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Box, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Collins, Escott-Russell, Freeman, Grayson, Gullatt, Hall, Haney, Harper, Haynes, Higginbotham, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt and Zoghby.

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Nay:

Representatives Blakeney, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Gaston, Hamilton, Harvey, Hill, Hogan, Holley, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Morton, Parker (P), Richardson, Smith (C), Smith (R), Turnham, Walker, Warren and Willis.

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AMENDMENT OFFERED

Representative Hamilton offered the following amendment to the bill, H. 145, as amended:

On page 6, after line 6, add the following new Section 5 and renumber the remaining Section 5 to Section 6:

Section 5. The provisions of this act shall not apply to Lauderdale County.

MOTION TO TABLE LOST

The motion offered by Representative Mathis to table the motion offered by Representative Walker to temporarily carry over the bill, H. 145, as amended, and the pending amendment was lost.

Yeas 31; Nays 31.

Yea:

Mr. Speaker, Barnes, Beasley, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Freeman, Hall, Haney, Harper, Harvey, Higginbotham, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, Melton, Newton (C), Newton (D), Parker (P), Penry, Perdue, Spratt and Zoghby.

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Nay:

Representatives Blakeney, Bowling, Clay, Collins, Cosby, Cullins, Dolbare, Drake, Flowers, Hamilton, Haynes, Hill, Hogan, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Morton, Parker (T), Payne, Powell, Rich, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker and Warren.

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MOTION IN WRITING ADOPTED

Representative Grayson offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 34; Nays 33.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Bryant, Bugg, Cagle, Campbell, Carothers, Escott-Russell, Freeman, Grayson, Gullatt, Hall, Haney, Harper, Haynes, Hooper, Johnson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Richardson, Spratt, Starkey, Thomas, Warren and Zoghby.

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Nay:

Representatives Blakeney, Butler, Collins, Cosby, Crow, Curry, Flowers, Gaston, Hamilton, Harvey, Hawkins, Higginbotham, Hogan, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (R), Turnham, Walker and Willis.

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MOTION TO CARRY OVER LOST

The question was then on the motion offered by Representative Walker to temporarily carry over the bill, H. 145, as amended, and the pending amendment, and the motion was lost.

Yeas 33; Nays 36.

Yea:

Representatives Blakeney, Butler, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Gaston, Hamilton, Harvey, Haynes, Hill, Hogan, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Morton, Payne, Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Turnham, Walker, Warren and Willis.

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Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Freeman, Grayson, Gullatt, Hall, Haney, Harper, Hawkins, Higginbotham, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Parker (T), Penry, Perdue, Spratt and Zoghby.

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AMENDMENT LOST

The question was then on the adoption of the amendment offered by Representative Hamilton to the bill, H. 145, as amended, and the amendment was lost.

Yeas 31; Nays 39.

Yea:

Representatives Blakeney, Butler, Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaston, Hamilton, Haney, Harvey, Hill, Hogan, Holley, Laird, Layson, McDaniel, McKee, Mikell, Parker (T), Payne, Poole, Rich, Sanderford, Smith (C), Smith (R), Walker, Warren, Williams and Willis.

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Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Freeman, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Morton, Newton (C), Newton (D), Penry, Perdue, Richardson, Spratt, Starkey, Turnham and Zoghby.

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And the bill, H. 145, as amended, was read a third time at length and lost.

Yeas 33; Nays 40.

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Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Box, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Freeman, Grayson, Hall, Harper, Hawkins, Haynes, Higginbotham, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Spratt, Starkey and Zoghby.

-33

Nay:

Representatives Blakeney, Butler, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Gaston, Hamilton, Hammett, Harvey, Hill, Hogan, Holley, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Millican, Morton, Parker (P), Payne, Poole, Powell, Rich, Rockhold, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren and Willis.

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MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Laird offered the motion to reconsider the vote by which the bill, H. 145, as amended, was lost.

MOTION TO TABLE LOST

The motion offered by Representative Laird to table the motion offered by him to reconsider the vote by which the bill, H. 145, as amended, was lost, was lost.

Yeas 39; Nays 41.

Yea:

Representatives Blakeney, Butler, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Gaston, Hamilton, Haney, Harvey, Hill, Hogan, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren and Willis.

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Nay:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Escott-Russell,

Freeman, Goodwin, Grayson, Gullatt, Hall, Harper, Haynes, Higginbotham, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Richardson, Spratt, Starkey and Zoghby.

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MOTION TO RECONSIDER LOST

The question was then on the motion offered by Representative Laird to reconsider the vote by which the bill, H. 145, as amended, was lost, and the motion to reconsider was lost.

Yeas 34; Nays 45.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Escott-Russell, Grayson, Hall, Harper, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Newton (C), Newton (D), Penry, Perdue, Starkey and Zoghby.

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Nay:

Representatives Blakeney, Bugg, Butler, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaines, Gaston, Hamilton, Haney, Harvey, Hill, Hogan, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Smith (C), Smith (R), Spratt, Thomas, Turnham, Walker, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 614. To provide for the funding and operation of the medicaid program by requiring the transfer of moneys from publicly-owned hospitals to the Alabama Mothers and Babies Indigent Care Trust Fund; to authorize the Alabama Medicaid

Agency to determine, pursuant to regulation, the amount of transfers due; to provide for the collection of the moneys and penalties, and for the maintenance of records by the hospitals; and to provide that this act shall remain effective only so long as adequate federal financial participation in the medicaid program is available.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 392. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 30, 1992, they adjourn to meet again on Tuesday, May 5, 1992.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 392, was adopted.

Also:

By Representative Hammett:

H.R. 393. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, April 30, 1992, we adjourn to meet again on Tuesday, May 5, 1992, at 1:00 P.M.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 393, was adopted.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 71, was adopted.

Yeas 65; Nays 17.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Curry, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Warren, Williams and Zoghby.

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Nay:

Representatives Cagle, Carns, Crow, Cullins, Dolbare, Drake, Freeman, Goodwin, Hammett, Hogan, Holley, Johnson, McKee, Payne, Poole, Turnham and Willis.

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And the bill:

H. 71. To make a supplemental appropriation of up to \$1,000,000 from the Alcoholic Beverage Control Board Fund to the Alcoholic Beverage Control Board, for fiscal year 1991-92, for the costs of a credit card purchase program.

was taken up.

AMENDMENT OFFERED

Representative Freeman offered the following amendment #1 to the bill, H. 71:

On page 1, lines 9, 25, and 33, delete the figure "\$1,000,000" and insert in lieu thereof the figure: \$100,000.

Also on page 1, line 32, delete the words "one million" and in lieu thereof insert the words: one hundred thousand

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Freeman to the bill, H. 71, was tabled.

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Yeas 70; Nays 16.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Penry, Perdue, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Warren and Williams.

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Nay:

Representatives Carns, Crow, Drake, Flowers, Freeman, Goodwin, Hogan, Holley, Johnson, McDowell, McKee, Payne, Poole, Turnham, Walker and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 722. Relating to the City of Roanoke in Randolph County and the continued funding of education; calling an election on the question of renewing and continuing the ad valorem tax of five mills now levied in school district pursuant to Amendment 373 and Amendment 156 of the Constitution of 1901, and the laws of the state of Alabama or school district taxes, with collections continuing in 1992 for 1991 taxes and to be used by the city board of education for public school purposes in the city of Roanoke; specifying the conduct of the election and frequency of special elections on such tax.

Also:

H. 726. Relating to Shelby County; to amend and reenact Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), pertaining to a rehabilitation and work release program for jail inmates in certain counties classified on a population basis, so as to provide further for a work release program in Shelby County.

Also:

H. 734. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Carrollton in Pickens County subject to referendum approval by a majority of the qualified electors residing within the territory proposed to be annexed to the municipality.

Also:

H. 736. Relating to Mobile County, amending Act No. 970, S. 378, of the 1961 Regular Session, as amended, which act provides for an alternative method of vehicle license registration, so as to increase the mail fee pursuant to the alternative registration.

Also:

H. 748. Relating to Escambia County; making permissive the establishment of a county-wide personnel system; providing for the purpose and definitions; providing for principles; providing for continuation of employment; providing for the authority of the county commission; providing for the appointing authority; providing for the personnel department and the personnel board; providing for the procedures of the personnel board; and providing for employment, political activity and subsequently created elected offices.

Also:

H. 20. Relating to Mobile County; providing that the Mobile county commission shall make an annual appropriation to the Mobile County School Board.

Also:

H. 72. Relating to Mobile County; amending Act No. 85-339, H. 187, 1985 Regular Session, which prohibits the use of red clay on the beaches of Dauphin Island, so as to provide further for such prohibition.

Also:

H. 568. Relating to Shelby County; amending Act No. 88-389, H. 803, 1988 Regular Session, which levies a tax on cigarettes, to include other tobacco products within the tax.

Also:

H. 567. Relating to Shelby County; to allow persons engaged in the businesses of real estate broker or real estate agent to be duly appointed to and to serve on any Shelby County board or commission dealing with the planning,

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zoning, or subdivision of real estate in Shelby County or any municipal board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Shelby County; and to provide retroactive effect.

Also:

H. 600. Providing the Sheriff of Coosa County with a temporary additional expense allowance that shall expire on a certain date; and increasing the Sheriff's compensation at the commencement of the next term of office.

Also:

H. 770. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Moulton in Lawrence County; and to provide for a referendum.

Also:

H. 771. Relating to Lawrence County; to provide for the establishment of a county public authority or corporation for the unified economic development of the county to consolidate any existing public authorities or corporations created by Lawrence County pursuant to Amendment No. 190 of the Constitution of Alabama of 1901.

Also:

H. 773. Repealing any limitation on the number of deputies that the Sheriff of Colbert County may employ and authorizing the county commission to prescribe the number of deputies that the sheriff may employ.

Also:

H. 775. Relating to Houston County; providing for merging the budgetary operations of the Revenue Commissioner's Office; providing that the office shall be financed, on a pro rata share basis, from the net proceeds of state, county, and municipal ad valorem taxes collected in the county; and providing for supplemental effect.

Also:

H. 779. Relating to Chilton County, to amend Sections 1 and 2 of Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), increasing the pistol permit fee the Sheriff is required to charge, providing for the distribution of these funds, and to specifically repeal Act No. 79-597, H. 1039, 1979 Regular Session (Acts 1979, p. 1059).

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 71 RESUMED**AMENDMENT OFFERED**

Representative Freeman offered the following amendment #2 to the bill, H. 71:

On page 1, lines 9, 25, and 33 delete the figure "\$1,000,000" and in lieu thereof insert the figure: \$500,000.

Also on page 1, line 32, delete the words "one million" and in lieu thereof insert the words: five hundred thousand

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 86; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes and Black (L).

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And the bill:

H. 71. To make a supplemental appropriation of up to \$500,000 from the Alcoholic Beverage Control Board Fund to the Alcoholic Beverage Control Board, for fiscal year 1991-92, for the costs of a credit card purchase program.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 67; Nays 21.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Curry, Gaines, Grayson, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Williams and Zoghby.

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Nay:

Representatives Carns, Collins, Crow, Cullins, Dolbare, Drake, Freeman, Gaston, Goodwin, Hamilton, Hammett, Hogan, Holley, Johnson, Layson, Payne, Poole, Sanderford, Turnham, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 765. To authorize the governing body of Coosa County, Alabama, to levy an annual license or privilege fee upon any business, except for practicing the religious tenets of any church, and to allow the governing body to set the amount of the business or privilege license fee within certain limits for each type or category of business in the county and to prescribe rules and regulations for the administration and enforcement of the act.

Also:

H. 766. Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; and to limit any liability of the county in the operation of volunteer fire departments.

Also:

H. 767. Supplementing the salary of a supernumerary district attorney for the 36th Judicial Circuit from the county general fund of the county within the circuit.

Also:

H. 768. Relating to Lawrence County; providing for a county personnel board to implement and administer a certain county personnel system; providing that certain county personnel shall be employed outside of the county personnel system; providing that any county employee displaced by an appointment made outside of the system shall be entitled to be transferred under the county personnel system to another county position with an equal or better compensation schedule; and providing a certain increase in compensation for certain county employees.

Also:

H. 769. Relating to Lawrence County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 789. Relating to Blount County; to provide for a long-range strategic planning commission to be known as the "Blount County 2020 Strategic Planning Commission"; to provide for the composition, officers, and duties of the commission.

Also:

H. 19. Relating to Mobile County; providing that the City of Mobile and other municipalities shall make an annual appropriation to the Mobile County Board of Education.

Also:

H. 703. Relating to Bibb County; to amend Section 1 of Act No. 81, H. 530,

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Regular Session 1977 (Acts 1977, p. 119), relating to the issuance of pistol permits by the sheriff, so as to increase the fee.

Also:

H. 704. To authorize the county commission of Bibb County, Alabama, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated within the county subject to the jurisdiction and control of the Bibb County Board of Education, the special countywide ad valorem tax for public school purposes which is authorized in Amendment No. 3 to the Constitution, to the maximum rate, for any tax year of the County, which is equal to \$1.60 on each one hundred dollars (16 mills on each dollar) of assessed value.

Also:

H. 786. Relating to Shelby County; amending Act No. 82-693, H. 57, 1982 Second Special Session, as amended, which provides for the Shelby County Planning commission, to provide further for elections to determine coverage by the zoning regulations.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 614. To provide for the funding and operation of the medicaid program by requiring the transfer of moneys from publicly-owned hospitals to the Alabama Mothers and Babies Indigent Care Trust Fund; to authorize the Alabama Medicaid

Agency to determine, pursuant to regulation, the amount of transfers due; to provide for the collection of the moneys and penalties, and for the maintenance of records by the hospitals; and to provide that this act shall remain effective only so long as adequate federal financial participation in the medicaid program is available.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Haynes offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 570.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 71. To make a supplemental appropriation of up to \$500,000 from the Alcoholic Beverage Control Board Fund to the Alcoholic Beverage Control Board, for fiscal year 1991-92, for the costs of a credit card purchase program.

TOMMY CARTER
Chairman

And the bill, H. 71, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 570, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Butler, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Haynes, Higginbotham, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Venable, Warren, Williams, Willis and Zoghby.

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And the bill:

H. 570. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for notice, judicial hearings, and determinations; to provide for revocation of probation or parole, the imposition of sentence, or collection in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide for certain criminal penalties and exceptions.

was taken up.

SUBSTITUTE OFFERED

Representative Haynes offered the following substitute to the bill, H. 570:

**A BILL
TO BE ENTITLED
AN ACT**

To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for notice, judicial hearings, and determinations; to provide for revocation of probation or parole, the imposition of

sentence, or collection in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide funding for the new restitution recovery division; to provide for distribution of a percentage of the funds to the several circuit clerks; and to provide for certain criminal penalties and exceptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the purpose of this legislation to ensure that court ordered restitution to crime victims, victim compensation assessments, bail bond forfeitures, court costs required by law, fines levied against criminals for wrongful conduct, and other court ordered sums payable to the state or to the crime victims be paid in full. The Legislature of this state further recognizes that the district attorneys of the various judicial circuits are mandated by law to represent the people of the state and a strong public policy dictates that restitution, court costs, fines, and other court ordered sums be enforced within each judicial circuit by the District Attorneys in conjunction with the circuit clerks.

Section 2. Any law to the contrary notwithstanding, each district attorney may establish in his or her discretion, a special division designated the "restitution recovery division" for the administration, collection, and enforcement of court costs, fines, penalty payments, victim compensation assessments, bail bond forfeitures, restitution or like payments in civil or criminal proceedings ordered by the court and payable to the state or to crime victims, or judgements entered which have not been otherwise vacated or judicial relief given from the operation of the order or judgement.

Section 3. The court, the clerk of the court, or a probation officer shall notify the district attorney in writing when any bail bond forfeitures, court costs, fines, penalty payments, crime victims restitution, or victims' compensation assessments or like payments in any civil or criminal proceeding ordered by the court to be paid to the state or to crime victims who have not been paid or are in default and the default has not been vacated. Upon written notification to the district attorney, the restitution recovery division of the district attorney's office may collect or enforce the collection of any funds that have not been paid or that are in default which, under the direction of the district attorney and division, are appropriate to be processed. In no event shall a court, court clerk, or probation officer notify the district attorney in less than six months from the date such payments are due to be paid in full.

Section 4. After notification as provided in Section 3 of this act, the restitution recovery division shall notify the defendant or surety by certified mail or personal service that the defendant is not in compliance with the orders of court and unless the defendant purges himself or herself of noncompliance, a warrant or complaint may be issued for the arrest of the defendant and the probation or parole of the defendant may be revoked.

Section 5. The notice shall inform the defendant or surety that the defendant is eligible for deferred prosecution by:

(1) Voluntary compliance with a court order.

(2) Upon election of the division, the defendant or surety may sign a "pay-up agreement" which shall contain the terms and conditions by which the court costs, restitution, fines, victim compensation assessments, bail bond forfeitures, charges, or penalty or other payments shall be paid, which shall be approved by the court.

If after receiving the notice, the accused or surety shall not voluntarily comply with any orders of court within 10 days, the district attorney may file the appropriate petitions authorized by law or rules of court or notify the Pardons and Parole Board concerning the initiation of probation or parole revocation.

Section 6. (a) The terms of the agreement shall be determined on a case by case basis by the division, but the duration of any agreement shall not be longer than a period of six months or the original period established by the court for the payment due. The agreement shall be signed by the defendant or surety and shall be ratified by the division and the court before it is effective. If the defendant does not honor each term of the agreement signed by the defendant, the restitution recovery division may proceed with the prosecution of the defendant or collection from the surety as provided by law.

(b) The restitution recovery division may retain 25 percent and the circuit clerk of each circuit may retain 10 percent of all revenues collected, excluding: restitution to be paid directly to a victim of a crime, pursuant to Section 15-18-67, Code of Alabama 1975, (restitution orders); any court costs, fees, bond forfeitures, victim assessment fees or restitution owed to the Alabama Crime Victims Compensation Commission pursuant to Section 15-23-17, Code of Alabama 1975; any funds of the peace officers' annuity fund; and any funds of the peace officers' standards and training fund. The remainder of the fees, fines, penalties, charges, court costs, and bail bond forfeitures shall be disbursed as provided by law on a monthly basis. The 10 percent of the revenues which are payable to the circuit clerk shall be disbursed on a monthly basis. Each circuit clerk shall maintain this revenue in a separate account to be used for the operation of the clerk's office to include but not limited to equipment purchases, education, and other office related expenses. Funds retained by the circuit clerk shall not reduce the amount payable to the circuit clerk under any local act or general act or reduce or affect the amount of funding of the circuit clerk's budget allocated by the Administrative Office of Courts.

(c) All funds retained by the restitution recovery division pursuant to this section shall be paid to the restitution recovery fund in the county treasury. The restitution recovery fund shall be used and expended by the district attorney to defray the reasonable expenses incurred by the office of district attorney and to pay any additional personnel hired by the district attorney to properly implement

this act or for law enforcement purposes. Disbursements from the restitution recovery fund shall be made upon requisition of the district attorney. Funds retained by the district attorney shall not reduce the amount payable to the district attorney under any local act or general act.

(d) This act shall not affect the right of the office of the district attorney to proceed with the prosecution of any violation as currently provided by law.

Section 7. There shall be an amnesty period for 60 days after the effective date of this act during which any person may voluntarily pay in full any duly assessed court costs, fines, victim compensation assessments, bail bond forfeitures, penalty payments, restitution or like payments in default. Commencing with the sixty-first day after the effective date of this act, the enforcement and collection procedures provided in this act may be implemented.

Section 8. In addition to the provisions of this act, all court costs, fines, victim compensation assessments, bail bond forfeitures, and restitution and other court ordered charges of a court of competent jurisdiction in this state shall be considered a civil judgement which can be recorded and enforced in the manner provided by law.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 10. The provisions of this act are supplemental to any procedures for the enforcement and collection of any court ordered sums or forfeitures. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict with this act.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (M), Blakeney, Box, Buskey (JE), Butler, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird,

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Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turnham, Warren, Williams, Willis and Zoghby.

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Nay:

Representative Holmes.

- 1

And the bill:

H. 570. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for notice, judicial hearings, and determinations; to provide for revocation of probation or parole, the imposition of sentence, or collection in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide funding for the new restitution recovery division; to provide for distribution of a percentage of the funds to the several circuit clerks; and to provide for certain criminal penalties and exceptions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Warren, Williams, Willis and Zoghby.

-82

Nay:

Representative Holmes.

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RESOLUTIONS

The following resolutions were introduced:

By Representatives Zoghby, Kvalheim, Gaston, Kennedy, Buskey (JE), Clark (W) and Rockhold:

H.R. 394. DESIGNATING CRIME VICTIMS RIGHTS WEEK IN THE CITY OF MOBILE.

WHEREAS, crime victims and their advocates across the nation have made tremendous strides toward balancing the scales of justice in our criminal justice system; and

WHEREAS, the road to victim justice has been paved over the past two decades with the commitment, perseverance, and spirit of millions of survivors who proudly carry the banner of justice in our nation; and

WHEREAS, the thirty-five million Americans who are victimized by crime each year need and deserve quality programs and services to help them recover from the devastating effects of crime; and

WHEREAS, to fight the continuing threat of crime and victimization, all Americans must join together, committing their individual and collective resources to crime prevention and victim services; and

WHEREAS, the Victim Advocates Coalition of the City of Mobile is joining forces with victim service programs, criminal justice officials and concerned citizens throughout the State of Alabama to observe 1992 National Crime Victims' Rights Week; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Alabama House of Representatives designates the week of April 26 to May 2, 1992, as National Crime Victims' Rights Week in the City of Mobile.

BE IT FURTHER RESOLVED, That the Alabama House of Representatives reaffirms its commitment to address victims' rights and criminal justice issues during 1992 Crime Victims' Rights Week in the City of Mobile and throughout the year.

RESOLVED FURTHER, That a copy of this resolution be presented to the Victim Advocates Coalition of Mobile.

On motion of Representative Zoghby, the rules were suspended and the resolution, H.R. 394, was adopted.

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Also:

By Representative Drake:

H.J.R. 395. COMMENDING R. W. "RONNY" DONALDSON FOR HIS CARING CONCERN FOR HIS COMMUNITY AND STATE.

WHEREAS, this Legislature notes with pride the many achievements and involvement in the Cullman County community of R. W. "Ronny" Donaldson; and

WHEREAS, the initiatives and organizations in which he is involved include the Alabama Cattlemen's Association; Alabama Farm Crisis Committee; Cullman County Farmer's Federation, Vice-President Executive Board; Cullman County Agricultural Trade Center, Treasurer and Charter Member; Holly Pond High School Trustee; and East Cullman Church of Christ; and

WHEREAS, the greatest credits of R. W. "Ronny" Donaldson are his commitments, beloved family, church, and treasured friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we, and especially Representative Tom Drake and Senator Don Hale of Cullman County, do hereby commend R. W. "Ronny" Donaldson for his deep caring concern and strong sense of service for honorable and worthwhile initiatives in his community and in this state.

BE IT FURTHER RESOLVED, That as a token of our sincere admiration and regard, a copy of this resolution shall be forwarded to R. W. "Ronny" Donaldson.

On motion of Representative Drake, the rules were suspended and the resolution, H.J.R. 395, was adopted.

Also:

By Representative Butler:

H.J.R. 396. COMMENDING THE TONEY HISTORICAL SOCIETY OF TONEY, ALABAMA.

WHEREAS, in consensus of commendation and esteem, the Alabama Legislature recognizes the Toney Historical Society of Toney, Alabama, for outstanding service, and for its on-going support of public education in Alabama; and

WHEREAS, in concern for our young citizens of today and our leaders of tomorrow, the Toney Historical Society has sponsored a number of statewide bike-a-thons to evidence the society's support of additional funding for Alabama's public school systems; and

WHEREAS, both the Toney Historical Society, sponsor of the bike-a-thon, and the many young participants in the relay cycling expedition to the State Capital are deserving of highest praise for their service to and support of public education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to community and state, and most particularly for their on-going support of public education in Alabama, we hereby commend the Toney Historical Society of Toney, Alabama, and do further direct that the society be provided with a copy of this resolution of highest regard.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 396, was adopted.

Also:

By Representatives Butler, Haney, Hall, Grayson, Sanderford, Richardson, Carter and Freeman:

H.J.R. 397. URGING THE GOVERNOR AND ADJUTANT GENERAL OF THE STATE OF ALABAMA TO LEAVE DETACHMENT I OF THE 109TH EVAC HOSPITAL UNIT BASED IN MADISON COUNTY.

WHEREAS, since 1977, Detachment I of the 109th Evac Hospital Unit of the Alabama Army National Guard consisting of 131 men and women living in Madison County and in the surrounding area, has been located in Madison County; and

WHEREAS, the State of Alabama has made a decision to transfer Detachment I of the 109th Evac Hospital Unit to Birmingham; and

WHEREAS, this proposed transfer would be a hardship on the residents of Madison County and the surrounding area who are members of Detachment I in that they would be required to travel to Birmingham to drill without provisions for lodging or travel expenses; and

WHEREAS, the transfer of Detachment I of the 109th Evac Hospital Unit would bring about a discontinuation of the 91 Charlie Program where thus far 47 area residents have been trained as Licensed Practical Nurses enabling them to be of service to the community as well as perform their duties in the National Guard; and

WHEREAS, Detachment I of the 109th Evac Hospital Unit trains one weekend per month and thereby contributes significantly to the economy of Madison County through contracts with local restaurants for meals as well as other expenditures made by members of the detachment; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature does hereby memorialize the Honorable Guy Hunt, Governor of the State of Alabama, and Major General Ivan F. Smith, Adjutant General of the Alabama National Guard to reconsider the proposal to transfer Detachment I of the 109th Evac Hospital Unit away from their home base in Madison County to Jefferson County.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Governor Guy Hunt and to Adjutant General Ivan F. Smith, thereby urging them to leave the distinguished Detachment I of the 109th Evac Hospital Unit based in Madison County.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 397, was adopted.

Also:

By Representative Starkey:

H.J.R. 398. COMMENDING BRIAN ROGERS FOR HIS PARTICIPATION WITH THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Brian Rogers for his participation with the Wheeler Rifles Drill Team in Florence, Alabama; and

WHEREAS, the Wheeler Rifles, originally organized in 1888 as an active military company to defend the State, has a long tradition of discipline, precision, and service to the State, and continues today to promote patriotism and to aid veterans, both locally and nationally; and

WHEREAS, members of the Wheeler Rifles Drill Team and Honor Guard have earned the respect and admiration of many through their leadership, initiative, dependability, and acceptance of civic responsibility; and

WHEREAS, this team has demonstrated caring concern for veterans groups by aiding veterans confined to nursing homes, disabled American veterans and their families, the MIA-POW National League of Families and Vietnam Veterans, and through their special clean-up project of the General Coffee Cemetery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend Brian Rogers of Florence, Alabama, for his participation with the Wheeler Rifles Drill Team and Honor Guard, whose outstanding community service and charitable projects have greatly enriched the lives of many Alabamians, and do further direct that he receive a copy of this resolution of sincere regard.

On motion of Representative Starkey, the rules were suspended and the resolution, H.J.R. 398, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Starkey:

H.R. 399. COMMENDING BRIAN ROGERS FOR HIS PARTICIPATION WITH THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Bugg and Smith (R):

H.J.R. 400. COMMENDING CALLIE WALDROP ON HER ELECTION AS PRESIDENT OF A.E.A.

WHEREAS, the Alabama Legislature notes the recent election of Callie Waldrop as President of the Alabama Education Association; and

WHEREAS, her inaugural ceremony which included her daughter, Elizabeth Leigh Waldrop, a teacher in Hoover, and her mother, Thelma Edgar, a retired teacher from the Etowah County School System, reflected her deep family tradition in education and symbolized the value of education and the timeliness of teaching; and

WHEREAS, in her inaugural address, Callie Waldrop, a science teacher at Gadsden State Community College, urged other educators, to spread the good news about what teachers do, and personally reflected on several educators who made particular impressions on her life; and

WHEREAS, she was preceded in the presidency by her husband, Gerald, who served as A.E.A. President in 1984-85, and who also served as a member of the Legislature; and

WHEREAS, Callie Waldrop is completing her 25th year of teaching, and in addition has raised two daughters, Elizabeth Leigh Waldrop and Natasha Glynn Waldrop, who will travel to Japan this year to teach English; and

WHEREAS, Callie Waldrop completed her undergraduate degree and obtained her Masters Degree from the University of Alabama, and is a devoted member of the First United Methodist Church in Attalla; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend sincere congratulations and best wishes to Callie Waldrop on her election as President of the Alabama Education Association, and direct that she receive a copy of this resolution of sincere regard.

On motion of Representative Bugg, the rules were suspended and the resolution, H.J.R. 400, was adopted.

Also:

By Representatives Sanderson, McDowell, Holmes and Petelos:

H.R. 401. EXPRESSING CONCERN OVER THE RECRUITMENT THROUGHOUT THE STATE OF JUNIOR HIGH AND MIDDLE SCHOOL STUDENTS BY WHITE SUPREMACISTS AND OTHER HATE GROUPS.

WHEREAS, the House of Representatives of the Legislature of Alabama expresses its concern over the recruitment throughout the state of junior high and middle school students by white supremacists and other hate groups; and

WHEREAS, it is estimated that the number of hate groups in the United States rose 27 percent last year, increasing from 273 in 1990 to 346 in 1991; and

WHEREAS, facist youth gangs, commonly called skinheads because of the close-cropped hair worn by many of their gang members, comprise the largest faction of the white supremacist movement; in 1991 there were 144 different skinhead groups nationwide; and

WHEREAS, there were ten different white supremacist groups in Alabama in 1991 and the movement appears to be growing monthly; and

WHEREAS, it has come to the attention of this body that skinheads have been recruiting junior high and middle school students in Alabama; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby express our deepest concern over the recruitment of junior high and middle school students by white supremacists and hate groups, and call upon all Alabama law enforcement officials to take whatever steps necessary to stop this rising tide of racial hatred.

On motion of Representative Sanderson, the rules were suspended and the resolution, H.R. 401, was adopted.

Also:

By Representative Butler:

H.J.R. 402. COMMENDING ALABAMA'S RETAIL STORE CLERKS.

WHEREAS, there are some 58,000 men and women employed as retail sales clerks in the State of Alabama, all of whom play an important role in keeping our economy moving, while providing essential services to consumers; and

WHEREAS, these productive and responsible citizens work long and often irregular hours for the convenience of those many customers whose employment requires that they shop during early morning or late night hours; and

WHEREAS, retail store clerks also serve to introduce customers to new products, advise them as to selections available that are suitable to their needs, and in all ways provide courteous, informative and reliable assistance to buyers; and

WHEREAS, although a vital link in the retail sales chain, store clerks often remain unappreciated; their contributions to a favorable business climate are highly significant, but seldom acknowledged; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the thousands of retail store clerks throughout the state, and do further publicly acknowledge their importance to the good and well-being of Alabama and all citizens thereof.

On motion of Representative Butler, the rules were suspended and the resolution, H.J.R. 402, was adopted.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Kennedy, the Budget Isolation Resolution and the bill, H. 798, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 45, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bugg, Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper,

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Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Walker, Warren, Willis and Zoghby.

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And the bill:

H. 45. (With Amendments): To regulate loan brokers; providing penalties; and providing for the enforcement of this act.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Banking, said committee amendment being as follows:

On page 2, delete lines 7 through 18 and insert in lieu thereof the following:

"(4) LOAN BROKER. Any person, except for the persons described below who are excepted from this definition, who:"

On page 2, line 29, add the following:

"Loan broker does not include, and the following persons are excepted from the definition of loan broker: any bank or savings and loan association, trust company, building and loan association, credit union, consumer finance company, retail installment sales company, securities broker-dealer, real estate broker or salesperson, attorney, Federal Housing Administration or Veterans' Administration approved lender, credit card company, consumer credit licensee, installment loan licensee, public utility, mortgage broker or lender, or insurance company, which is either licensed by or subject to regulation or supervision of the United States, this state, or any other state or of any agency, commission or department thereof. Any parent, subsidiary or other affiliate of any of the above listed excepted persons also are excepted from the definition of loan broker. All sale and lease transactions where credit is extended or arranged by the seller or lessor are excepted from the provisions of this act. No part of this act shall apply to any excepted person, activity or act. Any excepted person who becomes an assignee of any contract or other agreement between a loan broker and any borrower or other person shall not be subject to any claim, liability or defense the borrower or other person may have regarding such contract or agreement arising out of or related to any act or failure to act of a loan broker."

On page 2, line 34, add the following after the word "broker": "provided, however, that nothing contained herein shall prohibit or preclude a loan broker from soliciting a potential borrower to pay for, or prohibit or preclude a potential

borrower from paying for, actual services provided which are necessary to apply for a loan, including but not limited to a credit check or an appraisal of collateral, where such payment is by check or money order made payable to the provider of the service rendered and the payment is not for the services of the loan broker as payment for attempting to obtain a loan."

On page 6, line 28, add after the word "damages" the following: "against a loan broker".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Walker, Williams, Willis and Zoghby.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend H. 45 on page 5, Section 4 line 13 by inserting the following:

(G) Each application shall be accompanied by the payment of One Hundred Dollars (\$100.00), which shall be an initial investigation fee, and Three Hundred Dollars (\$300.00), which shall be the initial annual license fee for each licensed location of a loan broker and is in addition to all other taxes and fees required by law.

(H) Each license shall remain in full force and effect until relinquished, suspended, revoked, or expired. Every licensee, on or before each December 1, shall pay the department Three Hundred Dollars (\$300.00) for each license held by him as the annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given

to the licensee by the department the license shall thereupon expire, but not before December 31 of any year for which the annual fee has been paid.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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And the bill, H. 45, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 798, was adopted.

Yeas 50; Nays 10.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Box, Bryant, Bugg, Buskey (JE), Carns, Carothers, Clark (W), Escott-Russell, Freeman, Fuller, Gaston, Grayson, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Poole, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Warren, Willis and Zoghby.

-50

Nay:

Representatives Crow, Hall, Hill, Hogan, Holley, Laird, Layson, Lindsey, Newton (C) and Smith (R).

-10

And the bill:

H. 798. Regulating further the manufacture and sale of alcoholic beverages; providing for the licensing of microbreweries and the exemption of microbreweries from the required separation of financial and business interests between classes of business regulated by the alcoholic beverage control laws.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 31.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Carns, Carothers, Clark (W), Escott-Russell, Fuller, Grayson, Haney, Harper, Hawkins, Holmes, Hooper, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Newton (D), Parker (T), Payne, Perdue, Petelos, Richardson, Sanderford, Sanderson, Spratt, Starkey, Willis and Zoghby.

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Nay:

Representatives Beasley, Black (M), Blakeney, Collins, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Gaston, Hall, Hamilton, Haynes, Hill, Hogan, Holley, Johnson, Laird, Layson, Lindsey, McDaniel, McKee, Newton (C), Poole, Rogers (F), Smith (C), Smith (R), Turnham, Walker and Warren.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Bryant, the Budget Isolation Resolution relating to the bill, H. 837, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams and Willis.

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And the bill:

H. 837. To provide for certain agricultural aircraft, permitted by the Alabama Department of Aeronautics, to use certain county or municipal roads for landing and taking-off for crop dusting operations; to authorize the county and municipal governing bodies to adopt rules and regulations pertaining to the use of county or municipal roads by certain aircraft for crop dusting purposes; to provide for safety procedures for roads designated for agricultural aircraft or aircraft for crop dusting; to exempt the respective county or municipal governing bodies, boards, commissions, or other authority or political subdivision from liability for any personal injuries or damages as a result of the operation of any agricultural aircraft on or from any designated roads for crop dusting.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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CO-SPONSOR ADDED

Representative Cosby was added as co-sponsor to the bill, H. 837.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 570. To authorize each district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for notice, judicial hearings, and determinations; to provide for revocation of probation or parole, the imposition of sentence, or collection in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide funding for the new restitution recovery division; to provide for distribution of a percentage of the funds to the several circuit clerks; and to provide for certain criminal penalties and exceptions.

TOMMY CARTER
Chairman

And the bill, H. 570, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Ellis:

S.J.R. 128. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Senator Ellis:

S.J.R. 129. COMMENDING BRANDON ALAN COOK OF PELHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Senator Mitchem:

S.J.R. 130. NAMING THE "GLENN L. MAZE MUSIC BUILDING."

Also:

By Senator Waggoner:

S.J.R. 132. COMMENDING KAY WAGGONER TIPTON OF VESTAVIA HILLS HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hill, the rules were suspended, and the House concurred in and adopted the resolutions, S.J.R. 128, S.J.R. 129 and S.J.R. 130, the titles of which are set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hawkins, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 132, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Rogers (F), the Budget Isolation Resolution relating to the bill, H. 266, was adopted.

Yeas 51; Nays 21.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Blakeney, Box, Buskey (JE), Buskey (JL), Cagle, Campbell, Cosby, Cullins, Drake, Escott-Russell, Freeman, Fuller, Gaines, Goodwin, Grayson, Hall, Hammett, Harvey, Hawkins, Hogan, Holladay, Hooper, Knight, Letson, Lindsey, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Perdue, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, Willis and Zoghby.

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Nay:

Representatives Biddle, Bryant, Butler, Collins, Crow, Dolbare, Gullatt, Haney, Holley, McDaniel, McDowell, McKee, Mikell, Newton (C), Parker (T), Payne, Powell, Rich, Sanderford, Smith (R) and Walker.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 162. URGING THE UNITED STATES CONGRESS TO CEASE CREATING UNFUNDED MANDATES FOR IMPLEMENTATION BY STATE GOVERNMENTS.

Also:

H.J.R. 229. URGING CONGRESS TO PASS LEGISLATION PROVIDING FOR TAX AND OTHER INCENTIVES FOR EMPLOYMENT AND INVESTMENTS IN ECONOMICALLY DISTRESSED AREAS DESIGNATED AS ENTERPRISE ZONES.

Also:

H.J.R. 250. URGING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS, AND THE PENTAGON TO REFRAIN FROM CUTTING THE NATIONAL GUARD FORCES.

MCDOWELL LEE
Secretary

H. 266 TAKEN UP

And the bill:

H. 266. To provide an increase in judicial retirement benefits for any retired district judge who served as a district judge prior to July 30, 1979, and who retired prior to October 1, 1991; to provide for an annual determination of the costs of this increase in benefits and for annual appropriations from the general fund to the judicial retirement fund for costs of this increase.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 32.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Box, Bryant, Buskey (JL), Cagle, Campbell, Clark (W), Cosby, Cullins, Drake, Escott-Russell, Freeman, Fuller, Gaines, Goodwin, Grayson, Hammett, Harper, Hawkins, Holladay, Hooper, Kennedy, Letson, Lindsey, McClain, McMillan, Melton, Morrow, Morton, Newton (D), Perdue, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Williams, Willis and Zoghby.

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Nay:

Representatives Biddle, Collins, Crow, Dolbare, Flowers, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Higginbotham, Hill, Hogan, Holley, Knight, McDaniel, McDowell, McKee, Mikell, Millican, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Sanderford, Smith (R), Venable, Walker and Warren.

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BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Campbell, the Budget Isolation Resolution and the bill, H. 365, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 394, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Walker, Warren, Willis and Zoghby.

-77

And the bill:

H. 394. (With Amendment): To amend Section 22-21-291, Code of Alabama 1975, the Alabama Health Care Responsibility Act, to confirm the legislative intent that the only medical treatment costs imposed on a county for the treatment of an indigent patient are those costs incurred at a regional referral hospital located in another county.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 394 on page 2, Section 1, beginning on line 9, after the period by striking the remainder of Section 1 and inserting in lieu thereof the following: This article shall not be construed to obligate any county of this State which operates a hospital for the care of its indigent citizens to pay for medical treatment of such indigent rendered by any other hospital located within the same county. Provided, however that counties which provide a hospital for its indigent residents shall accept transfers from other hospitals in the county upon the availability of beds.

AMENDMENT TABLED

On motion of Representative McDowell, the committee amendment was tabled.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Cosby, Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Parker (P), Payne, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Turnham, Walker, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Representative McDowell offered the following amendment to the bill, H. 394:

Amend H. 394 on page 2, Section 1, beginning on line 9, after the period by striking the remainder of Section 1 and inserting in lieu thereof the following: This article shall not be construed to obligate any county of this state which operates a hospital for the care of its indigent citizens to pay for medical treatment of such indigent rendered by any other hospital located within the same county. Provided, however, that counties which operate a hospital for its indigent residents shall accept lawful transfers of its eligible indigent residents with stable medical conditions that are treatable at the county operated hospital or designated facility, upon the availability of beds.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Cullins,

Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Willis and Zoghby.

-77

And the bill, H. 394, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-87

Nay:

Representatives Hall and Holley.

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative Campbell, the Budget Isolation Resolution relating to the bill, H. 365, was adopted.

Yeas 80; Nays 0.

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Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-80

And the bill:

H. 365. To establish and provide for the "Tuition Guaranty Fund" in the State Treasury to reimburse students or entities which make loans to students of certain proprietary (for profit) postsecondary educational institutions which close prior to earning the tuition collected from their students.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-88

BUDGET ISOLATION RESOLUTION

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 640, was adopted.

Yeas 53; Nays 26.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Buskey (JL), Butler, Campbell, Carns, Carothers, Cosby, Crow, Drake, Escott-Russell, Flowers, Gaines, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Holmes, Johnson, Kennedy, Layson, Letson, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Willis and Zoghby.

-53

Nay:

Representatives Black (M), Bryant, Bugg, Buskey (JE), Cagle, Collins, Freeman, Goodwin, Grayson, Gullatt, Hall, Hill, Hogan, Holley, Knight, Laird, Lindsey, McDowell, McKee, Morrow, Newton (D), Smith (C), Spratt, Walker, Warren and Williams.

-26

MOTION TO ADJOURN LOST

The motion offered by Representative Grayson that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 79. Increasing benefits provided under the Peace Officers' Annuity and Benefit Fund by amending Section 36-21-70 of the Code of Alabama 1975, retroactive to October 1, 1991.

MCDOWELL LEE
Secretary

H. 640 TAKEN UP

And the bill:

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H. 640. (With Amendment): To provide for an additional fee for filing or recording any real property instrument of conveyance, or interest in real property by deed or otherwise; to provide for a fee for the judge of probate, or like official who records real property instruments, for administering this act; to provide for the disposition of the revenues generated by this act; and to provide that a certain portion of the revenues shall be designated in the State General Fund to the credit of the State Department of Conservation and Natural Resources, Division of State Land Surveys, with any excess of revenues reverting to the State General Fund at the end of the fiscal year.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 640 on Page 1, line 26 by deleting after the words "in the" the words "State General Fund for" and inserting in lieu thereof the words "State Treasury to".

Further amend House Bill 640 Page 1, line 29 by deleting after the words "and the" the words "fund would" and inserting in lieu thereof the word "Land Surveys Fund shall".

Further amend House Bill 640 on Page 2, line 12 by deleting after the words "shall be" the words "designated in the State General Fund" and inserting in lieu thereof the words "deposited in the State Treasury".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 6.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Butler, Campbell, Carns, Carothers, Cosby, Cullins, Drake, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

Nay:

Representatives Cagle, Dolbare, Hill, Holley, Newton (D) and Williams.

- 6

And the bill:

H. 640. To provide for an additional fee for filing or recording any real property instrument of conveyance, or interest in real property by deed or otherwise; to provide for a fee for the judge of probate, or like official who records real property instruments, for administering this act; to provide for the disposition of the revenues generated by this act; and to provide that a certain portion of the revenues shall be deposited in the State Treasury to the credit of the State Department of Conservation and Natural Resources, Division of State Land Surveys, with any excess of revenues reverting to the State General Fund at the end of the fiscal year.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 46; Nays 34.

Yea:

Mr. Speaker, Biddle, Box, Bryant, Campbell, Carns, Carothers, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Flowers, Gaines, Gaston, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Johnson, Kennedy, Kvalheim, Layson, Letson, McClain, McDaniel, Melton, Mikell, Millican, Morton, Parker (T), Payne, Powell, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turnham, Willis and Zoghby.

-46

Nay:

Representatives Barnes, Black (M), Bugg, Buskey (JE), Butler, Cagle, Clark (W), Collins, Dolbare, Freeman, Goodwin, Grayson, Gullatt, Hall, Hill, Hogan, Holladay, Holley, Holmes, Knight, Laird, Lindsey, McDowell, McKee, McMillan, Morrow, Newton (C), Newton (D), Parker (P), Richardson, Smith (C), Walker, Warren and Williams.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Lindsey offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 341.

MOTION TO ADJOURN LOST

The motion offered by Representative Richardson that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

MOTION TO RECESS LOST

The motion offered by Representative Holmes that the House stand in recess until 8:30 o'clock p.m. was lost.

Yeas 18; Nays 61.

Yea:

Representatives Biddle, Black (L), Blakeney, Buskey (JL), Cosby, Cullins, Curry, Dolbare, Flowers, Holley, Holmes, Laird, Layson, Mikell, Spratt, Thomas, Walker and Williams.

-18

Nay:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Drake, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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MOTION TO RECESS OFFERED

Representative Buskey (JL) offered the motion that when the hour of 7:00 o'clock p.m. arrives, the House stand in recess until 8:30 o'clock p.m.

SUBSTITUTE MOTION TO RECESS LOST

The substitute motion offered by Representative Butler that the House recess from 6:45 o'clock p.m. until 7:45 o'clock p.m. was lost.

Yeas 10; Nays 65.

Yea:

Representatives Black (L), Blakeney, Curry, Flowers, Layson, Letson, Mikell, Rogers (F), Sanderford and Smith (C).

-10

Nay:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Drake, Escott-Russell, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Holmes, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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MOTION TO RECESS LOST

The question was then on the motion offered by Representative Buskey (JL) that when the hour of 7:00 o'clock p.m. arrives, the House stand in Recess until 8:30 o'clock p.m., and the motion was lost.

Yeas 13; Nays 63.

Yea:

Representatives Black (L), Buskey (JE), Buskey (JL), Cosby, Cullins, Curry, Dolbare, Flowers, Holmes, Laird, McClain, Mikell and Richardson.

-13

Nay:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Hill, Holladay, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

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MOTION TO ADJOURN LOST

The motion offered by Representative Walker that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

MOTION TO ADJOURN LOST

The motion offered by Representative Haney that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

Yeas 24; Nays 48.

Yea:

Representatives Black (L), Buskey (JE), Buskey (JL), Carns, Cullins, Dolbare, Drake, Goodwin, Hall, Hamilton, Haney, Hill, McKee, Mikell, Morton, Newton (D), Parker (P), Payne, Rich, Richardson, Sanderford, Smith (R), Walker and Williams.

-24

Nay:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Bryant, Bugg, Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Curry, Escott-Russell, Flowers, Freeman, Gaines, Gullatt, Hammett, Harper, Hawkins, Higginbotham, Hogan, Holladay, Holley, Kennedy, Knight, Letson, Lindsey, Mathis, McClain, McDaniel, Melton, Millican, Morrow, Newton (C), Poole, Rogers (F), Sanderson, Smith (C), Spratt, Turnham, Venable, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 162. URGING THE UNITED STATES CONGRESS TO CEASE CREATING UNFUNDED MANDATES FOR IMPLEMENTATION BY STATE GOVERNMENTS.

Also:

H.J.R. 229. URGING CONGRESS TO PASS LEGISLATION PROVIDING FOR TAX AND OTHER INCENTIVES FOR EMPLOYMENT AND INVESTMENTS IN ECONOMICALLY DISTRESSED AREAS DESIGNATED AS ENTERPRISE ZONES.

Also:

H.J.R. 250. URGING THE PRESIDENT OF THE UNITED STATES, THE CONGRESS, AND THE PENTAGON TO REFRAIN FROM CUTTING THE NATIONAL GUARD FORCES.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 79. Increasing benefits provided under the Peace Officers' Annuity and Benefit Fund by amending Section 36-21-70 of the Code of Alabama 1975, retroactive to October 1, 1991.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 640. To provide for an additional fee for filing or recording any real property instrument of conveyance, or interest in real property by deed or otherwise; to provide for a fee for the judge of probate, or like official who records real property instruments, for administering this act; to provide for the disposition of the revenues generated by this act; and to provide that a certain portion of the revenues shall be deposited in the State Treasury to the credit of the State Department of Conservation and Natural Resources, Division of State Land Surveys, with any excess of revenues reverting to the State General Fund at the end of the fiscal year.

TOMMY CARTER
Chairman

And the bill, H. 640, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 341, was adopted.

Yeas 51; Nays 20.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Butler, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Flowers, Grayson, Hammett, Haney, Harper, Hawkins, Hill, Hogan, Holladay, Kvalheim,

Laird, Layson, Lindsey, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Powell, Rich, Richardson, Rockhold, Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-51

Nay:

Representatives Anderson, Buskey (JE), Cagle, Clark (W), Freeman, Gaston, Goodwin, Hall, Holley, Kennedy, Letson, McDowell, McKee, Newton (C), Parker (T), Payne, Poole, Rogers (F), Walker and Warren.

-20

And the bill:

H. 341. To amend Sections 33-5-11, 33-5-15, and 33-5-17, Code of Alabama 1975, as last amended, relating to boat registration, so as to require certain additional documentation when applying for a number; to require that changes in ownership and registration be filed within a certain time period with certain additional documentation and fee; and to increase the issuance fee relating thereto; to increase certain registration fees; to provide for the application of said fees to livery boats; and to delete certain provisions relating to livery boats.

was taken up.

AMENDMENT OFFERED

Representative Hall offered the following amendment #1 to the bill, H. 341:

On page 4, after line 31, add the following: The first one dollar (\$1.00) of the fees collected in each Class shall be earmarked to build and maintain boatramps.

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment #1 offered by Representative Hall to the bill, H. 341, was tabled.

Yeas 44; Nays 26.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Butler, Clark (W), Crow, Dolbare, Flowers, Gaston, Goodwin, Hammett, Harper, Hawkins, Hogan, Holladay, Knight, Kvalheim, Laird, Lindsey,

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McClain, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Powell, Rich, Rockhold, Sanderford, Smith (C), Smith (R), Turnham, Venable, Walker, Willis and Zoghby.

-44

Nay:

Representatives Anderson, Bowling, Collins, Cosby, Cullins, Curry, Escott-Russell, Freeman, Grayson, Hall, Hamilton, Haney, Haynes, Hill, Holley, Holmes, Johnson, Letson, Millican, Morrow, Poole, Richardson, Rogers (F), Starkey, Warren and Williams.

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AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 341:

Amend H. 341 on page 5, Section 4, line 10 by adding a new "Section 4." to read as follows: During the months of March through October of every year, marine police employees are hereby allowed to wear uniform short pants. Said uniform to be determined by the Director of the Marine Police Division.

Renumber remaining sections accordingly.

AMENDMENT TABLED

On motion of Representative Venable, the amendment offered by Representative Gaines to the bill, H. 341, was tabled.

Yeas 63; Nays 6.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Cagle, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Haney, Harvey, Hill, Hogan, Holladay, Holley, Johnson, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Freeman, Hall, Hawkins, Holmes, Millican and Sanderson.

- 6

AMENDMENT OFFERED

Representative Sanderson offered the following amendment to the bill, H. 341:

Amend House Bill 341 on page 4 line 23 by deleting line 23 and replacing it with the following: \$11.00 plus ~~\$1.00~~ \$2.00 issuance fee.

And further amend House Bill 341 on page 4 line 25 by deleting line 25 and replacing it with the following: feet in length, ~~\$10.00~~ \$19.00 plus ~~\$1.00~~ \$2.00 issuance fee.

And further amend House Bill 341 on page 4 line 27 by deleting line 27 and replacing it with the following: 40 feet in length, ~~\$20.00~~ \$39.00 plus ~~\$1.00~~ \$2.00 issuance fee.

And further amend House Bill 341 on page 4 line 29 by deleting line 29 and replacing it with the following: \$79.00 plus ~~\$1.00~~ \$2.00 issuance fee.

AMENDMENT LOST

And the amendment was lost.

Yeas 28; Nays 41.

Yea:

Representatives Beasley, Box, Bryant, Collins, Drake, Flowers, Goodwin, Gullatt, Hall, Hawkins, Hogan, Letson, Lindsey, Mathis, Melton, Mikell, Millican, Morrow, Newton (C), Parker (T), Rich, Rockhold, Rogers (F), Smith (C), Turnham, Venable, Warren and Zoghby.

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Nay:

Representatives Anderson, Barnes, Biddle, Black (L), Bugg, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Crow, Cullins, Curry, Escott-Russell, Gaston, Hamilton, Haney, Harvey, Haynes, Hill, Holladay, Holley, Knight, Kvalheim, Laird, McClain, McDaniel, McKee, McMillan, Parker (P), Payne, Poole, Powell, Richardson, Sanderford, Sanderson, Smith (R), Starkey, Walker, Williams and Willis.

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AMENDMENT OFFERED

Representative Hall offered the following amendment #2 to the bill, H. 341:

On page 4, on lines: 23, delete the figure "12.00" and insert in lieu thereof the figure: 9.00

25, delete the figure "20.00" and insert in lieu thereof the figure: 15.00

27, delete the figure "40.00" and in lieu thereof the figure: 30.00

29, delete the figure "80.00" and in lieu thereof the figure: 60.00

AMENDMENT TABLED

On motion of Representative Lindsey, the amendment #2 offered by Representative Hall to the bill, H. 341, was tabled.

Yeas 55; Nays 23.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Butler, Campbell, Clark (W), Collins, Cosby, Curry, Dolbare, Drake, Escott-Russell, Flowers, Gullatt, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McKee, Melton, Mikell, Morrow, Morton, Newton (D), Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turnham, Venable, Walker, Williams, Willis and Zoghyby.

-55

Nay:

Representatives Anderson, Black (M), Cagle, Crow, Freeman, Gaston, Goodwin, Grayson, Hall, Haynes, Holley, Holmes, Johnson, Letson, McMillan, Millican, Newton (C), Payne, Poole, Rogers (F), Smith (C), Starkey and Warren.

-23

And the bill, H. 341, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 30.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Campbell, Carothers, Collins, Cosby, Crow, Curry, Drake, Escott-Russell, Flowers, Grayson, Hammett, Haney, Hawkins, Hill, Hogan, Holladay, Hooper, Laird, Layson, Lindsey, McClain, McDaniel, Melton, Mikell, Millican, Morton, Newton (D), Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-49

Nay:

Representatives Anderson, Black (M), Buskey (JE), Cagle, Carns, Freeman, Gaston, Goodwin, Hall, Harper, Harvey, Haynes, Holley, Holmes, Johnson, Kvalheim, Letson, McDowell, McKee, McMillan, Morrow, Newton (C), Parker (P), Parker (T), Payne, Poole, Rogers (F), Smith (C), Walker and Warren.

-30

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Hall to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 51, was lost, lacking a four-fifths vote.

Yeas 47; Nays 33.

Yea:

Representatives Anderson, Beasley, Biddle, Black (M), Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Cosby, Crow, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Harper, Haynes, Hogan, Holley, Hooper, Johnson, Kennedy, Kvalheim, Letson, Mathis, McClain, McDowell, McKee, McMillan, Melton, Morrow, Newton (C), Parker (P), Parker (T), Poole, Rockhold, Rogers (F), Sanderford, Starkey, Thomas, Walker, Warren, Willis and Zoghby.

-47

Nay:

Representatives Black (L), Blakeney, Box, Bryant, Carns, Collins, Curry, Drake, Escott-Russell, Flowers, Hamilton, Hammett, Haney, Hawkins, Hill, Holladay, Knight, Laird, Layson, Lindsey, Mikell, Millican, Morton, Newton (D), Payne, Perdue, Powell, Rich, Richardson, Smith (C), Smith (R), Turnham and Venable.

-33

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 699, was adopted.

Yeas 73; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JL), Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-73

Nay:

Representatives Grayson and McDowell.

- 2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 594. To amend Sections 8-6-10 and 8-6-16 of the Code of Alabama 1975, to require the filing of a notice of issuance for certain exempt securities; to provide further for exemption of certain exchange listed securities; to provide administrative cease and desist authority to the commission; and to provide for court ordered rescission, restitution, or disgorgement for violations of the Alabama Securities Act.

MCDOWELL LEE
Secretary

H. 699 TAKEN UP

And the bill:

H. 699. To define disparagement of perishable products or commodities; to

provide a cause of action; to provide for recovery; to provide for limitations of actions and civil procedure; and to provide for cumulative effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Freeman, Gaines, Gaston, Goodwin, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-75

Nay:

Representatives Curry, Grayson and McDowell.

- 3

BUDGET ISOLATION RESOLUTION

On motion of Representative Starkey, the Budget Isolation Resolution relating to the bill, H. 387, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Turnham, Venable, Walker, Warren, Williams and Willis.

-75

And the bill:

H. 387. To amend Section 36-29-14 of the Code of Alabama 1975, relating to the state employees health insurance plan and providing procedures for the officers, employees, and retirees of certain cities, towns, fire districts, water and fire authority districts, and the Alabama League of Municipalities to be covered under the plan; to authorize certain additional entities and agencies to participate in the plan; to provide additional eligibility requirements for entities to participate; and to provide procedures regarding withdrawal from participation.

was taken up.

SUBSTITUTE OFFERED

Representative Starkey offered the following substitute to the bill, H. 387:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to authorize certain additional state, county and municipal agencies and regional planning and development commissions to participate in the plan; to provide additional eligibility requirements for those entities wishing to participate in said plan; to provide procedures regarding revocation of participation in said plan.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, is hereby amended to read as follows:

"(a) Any agency of the state, any county, any municipality, any The governing body of any city, town, fire or water district, water and fire authority district or authority, any regional planning and development commission established pursuant to Sections 11-85-50 through 11-85-73 of the Code of Alabama 1975, that is not a member of an existing government sponsored health insurance program, or the Alabama league of municipalities may, by resolution legally adopt to conform to rules prescribed by the state employees' insurance board, elect to have its officers, employees and retired employees become eligible for health insurance coverage under the State Employees' Insurance Board to be covered under the state employees' health insurance plan as a separate group without any liability to the state or the state employees' health insurance plan. The

~~terms "officers" and "employees" as used in this section shall include these persons appointed or employed by the individual officers and performing their duties in public office.~~

"(b) Acceptance of the employees identified in subsection (a) shall be optional with the state employees' insurance board; ~~provided, however, there shall be at least 5,000 such employees becoming members of the state employees' insurance plan pursuant to this section before the board shall allow participation of such employees.~~

"(c) Employees, officers and retirees who are eligible for health insurance covered by the state employees' health insurance plan pursuant to this section shall be entitled to the coverage and benefits as designated by the State Employees' Insurance Board under the plan as though they were state employees.

"(d) Any portion of ~~The cost of the insurance coverage as determined by the State Employees' Insurance Board for the employees, officers and retirees and their dependents pursuant to this section may be paid by the employer; however, the employer shall determine how the cost of dependent coverage shall be paid.~~

"(e) The chief fiscal officer of each employer shall pay remit to the state employees' ~~health insurance board~~ the amount of premiums required for employee and dependent coverage under this section. The employer shall furnish the necessary information to the state employees' insurance board.

"(f) The agreement of any employer to have its employees, officers and retirees to be covered under the ~~state employees' health insurance plan provided by the State Employees' Insurance Board shall be irrevocable for two years and thereafter may be revoked only by complying with the following provisions:~~

"(1) The employer, by resolution of the governing body, shall signify its intention and desire to withdraw from such plan in writing and by delivering a copy of such resolution to the state employees' ~~health insurance board~~. Any employer that withdraws from participation in such plan shall be responsible for paying its proportionate share of liability, if any, for any claims incurred prior to the date of withdrawal, but not reported and paid prior to the date of withdrawal as actuarially determined by the State Employees' Insurance Board.

"(g) The state employees' insurance board shall promulgate such rules and regulations as may be necessary for the effective administration of the provisions of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (M), Blakeney, Box, Bryant, Buskey (JL), Campbell, Carns, Clark (W), Collins, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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S. 131 SUBSTITUTED FOR H. 387

On motion of Representative Starkey, the bill, S. 131, was substituted for the bill, H. 387.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Starkey offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 131.

MOTION TO CARRY OVER TABLED

On motion of Representative Starkey, the motion offered by Representative Laird to temporarily carry over the Budget Isolation Resolution and the bill, S. 131, was tabled.

Yeas 61; Nays 18.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Clark (W), Collins, Crow, Curry, Dolbare, Drake, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall,

Hamilton, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holley, Hooper, Kennedy, Knight, Letson, Lindsey, McClain, McDaniel, McDowell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Warren, Willis and Zoghby.

-61

Nay:

Representatives Carothers, Cullins, Flowers, Grayson, Haney, Haynes, Holmes, Johnson, Kvalheim, Laird, Layson, Mathis, McMillan, Mikell, Newton (C), Poole, Sanderford and Turnham.

-18

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 340. To create and establish the Alabama School of Fine Arts to be governed by a board of trustees.

MCDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 594. To amend Sections 8-6-10 and 8-6-16 of the Code of Alabama 1975, to require the filing of a notice of issuance for certain exempt securities; to provide further for exemption of certain exchange listed securities; to provide administrative cease and desist authority to the commission; and to provide for court ordered rescission, restitution, or disgorgement for violations of the Alabama Securities Act.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Starkey to the bill, S. 131, and the Budget Isolation Resolution was adopted.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Payne, Perdue, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-86

Nay:

Representative Grayson.

- 1

And the bill:

S. 131. (With Amendment): To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so

as to authorize certain additional state, county and municipal agencies and regional planning and development commissions to participate in the plan; to provide additional eligibility requirements for those entities wishing to participate in said plan; to provide procedures regarding revocation of participation in said plan.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend Senate Bill 131 on page 1, line 39 after the words "that is not" by inserting the following: and was not for the twelve months immediately preceding the date of application to participate in any plan created pursuant to the provisions of this article

Further amend Senate Bill 131 on page 1, line 40 after the words "insurance program" by inserting the following: formed under the provisions of Section 11-26-2, Code of Alabama 1975, the association of county commissions of Alabama

MOTION TO CARRY OVER TABLED

On motion of Representative Starkey, the motion offered by Representative Poole to carry over the bill, S. 131, and the pending committee amendment to the twenty-ninth legislative day was tabled.

Yeas 48; Nays 27.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Clark (W), Collins, Crow, Curry, Dolbare, Flowers, Gaines, Goodwin, Gullatt, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holmes, Johnson, Kennedy, Letson, Lindsey, McClain, McDaniel, McDowell, Morton, Parker (T), Payne, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Turnham, Warren and Zoghby.

-48

Nay:

Representatives Anderson, Blakeney, Cagle, Cosby, Cullins, Escott-Russell, Freeman, Grayson, Hall, Haney, Hill, Knight, Laird, Layson, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Poole, Sanderford, Venable, Walker and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 340. To create and establish the Alabama School of Fine Arts to be governed by a board of trustees.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

S. 131 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Representative Starkey, the motion offered by Representative McMillan to carry over the bill, S. 131, and the pending committee amendment to the thirtieth legislative day, was tabled.

Yeas 45; Nays 26.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Butler, Campbell, Carns, Clark (W), Collins, Crow, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Goodwin, Gullatt, Hall, Hamilton, Harper, Hawkins, Higginbotham, Hogan, Kennedy, Letson, Lindsey, McClain, Morrow, Morton, Parker (P), Payne, Richardson, Rogers (F), Smith (C), Starkey, Turnham, Warren, Williams, Willis and Zoghby.

Nay:

Representatives Anderson, Blakeney, Cagle, Carothers, Cosby, Cullins, Gaston, Grayson, Haney, Haynes, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McKee, McMillan, Melton, Mikell, Newton (C), Poole, Sanderford, Smith (R), Venable and Walker.

-26

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 475. To amend Section 36-25-9, Code of Alabama 1975, to allow real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate fields to serve on state, county or municipal regulatory boards or commissions, to limit membership on said boards, to prohibit voting or participation for financial gain.

MCDOWELL LEE
Secretary

S. 131 RESUMED

MOTION IN WRITING ADOPTED

Representative Parker (P) offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 32; Nays 29.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Buskey (JL), Campbell, Carothers, Collins, Curry, Dolbare, Escott-Russell, Freeman, Gullatt, Hall, Hammett, Harper, Harvey, Higginbotham, Johnson, Letson, Mathis, Morrow, Parker (P), Parker (T), Payne, Richardson, Rogers (F), Smith (C), Spratt, Starkey, Warren and Zoghby.

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Nay:

Representatives Anderson, Blakeney, Bryant, Cagle, Cosby, Cullins, Flowers, Gaston, Grayson, Hamilton, Haney, Haynes, Hill, Hogan, Knight, Kvalheim, Laird, Layson, McClain, McKee, McMillan, Mikell, Newton (C), Poole, Sanderford, Smith (R), Turnham, Venable and Walker.

-29

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, and the committee amendment was adopted.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaston, Goodwin, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Walker, Warren, Williams, Willis and Zoghby.

-79

Nay:

Representative Grayson.

- 1

And the bill, S. 131, as amended, was read a third time at length and passed.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns,

Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-86

Nay:

Representative Grayson.

- 1

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawkins offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 541.

MOTION IN WRITING LOST

Representative Curry offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was lost.

Yeas 18; Nays 23.

Yea:

Representatives Biddle, Carns, Cosby, Crow, Curry, Gaines, Haney, Hawkins, Johnson, Knight, Laird, Morton, Parker (T), Payne, Rich, Sanderson, Smith (C) and Warren.

-18

Nay:

Representatives Barnes, Black (L), Bryant, Bugg, Buskey (JE), Dolbare, Escott-Russell, Flowers, Grayson, Haynes, Hogan, Holley, Kennedy, Layson, McKee, McMillan, Mikell, Newton (D), Perdue, Richardson, Spratt, Turnham and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 475. To amend Section 36-25-9, Code of Alabama 1975, to allow real estate brokers, agents, developers, appraisers, mortgage bankers or other persons in the real estate fields to serve on state, county or municipal regulatory boards or commissions, to limit membership on said boards, to prohibit voting or participation for financial gain.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 82. To define and provide for the establishment of community development districts; and to prescribe the method by which alcoholic beverages may be lawfully sold within such districts.

MCDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION**

The question was then on the motion offered by Representative Hawkins to adopt the Budget Isolation Resolution relating to the bill, H. 541, and the Budget Isolation Resolution was adopted.

Yeas 37; Nays 13.

Yea:

Mr. Speaker, Biddle, Carns, Cosby, Crow, Curry, Flowers, Gaines, Gaston, Haney, Harper, Harvey, Hawkins, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham, Warren and Willis.

-37

Nay:

Representatives Barnes, Black (L), Bryant, Bugg, Buskey (JE), Clark (W), Escott-Russell, Grayson, Holley, Newton (D), Perdue, Spratt and Venable.

-13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative McDowell abstained from voting on the bill, H. 541, due to a possible conflict of interest.

H. 541 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, H. 541, was temporarily carried over.

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Yeas 28; Nays 24.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Clark (W), Crow, Drake, Escott-Russell, Flowers, Goodwin, Grayson, Harper, Hogan, Kennedy, Lindsey, Newton (D), Parker (P), Perdue, Spratt, Starkey, Turnham and Willis.

-28

Nay:

Representatives Biddle, Blakeney, Carns, Curry, Dolbare, Gaines, Haney, Harvey, Hawkins, Haynes, Hill, Holley, Hooper, Knight, McKee, McMillan, Morton, Parker (T), Payne, Powell, Richardson, Rogers (F), Sanderford and Sanderson.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 454. To prohibit any college or university from spending public funds or using public facilities, directly or indirectly, to sanction, recognize, or support any group that promotes a lifestyle or actions prohibited by the sodomy and sexual misconduct laws; to prohibit any group from permitting or encouraging its members or others to engage in or provide materials on how to engage in the lifestyle or actions.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 82. To define and provide for the establishment of community development districts; and to prescribe the method by which alcoholic beverages may be lawfully sold within such districts.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Escott-Russell, the Budget Isolation Resolution and the bill, H. 393, were temporarily carried over.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Freeman to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, S. 4, was lost, lacking a four-fifths vote.

Yeas 63; Nays 17.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt,

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Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, Mathis, McClain, McDaniel, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Perdue, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-63

Nay:

Representatives Biddle, Blakeney, Bryant, Carns, Cullins, Hill, Laird, Layson, McKee, McMillan, Mikell, Newton (C), Payne, Poole, Powell, Richardson and Sanderford.

-17

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 51, was adopted.

Yeas 65; Nays 10.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Clark (W), Collins, Crow, Cullins, Curry, Drake, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Poole, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Biddle, Bryant, Bugg, Carns, Hill, Mikell, Payne, Powell, Richardson and Sanderford.

-10

S. 4 SUBSTITUTED FOR H. 51

On motion of Representative Freeman, the bill, S. 4, was substituted for the bill, H. 51.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, S. 4, was adopted.

Yeas 64; Nays 21.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Warren, White, Willis and Zoghby.

-64

Nay:

Representatives Biddle, Black (L), Blakeney, Bryant, Bugg, Cagle, Carns, Cullins, Hall, Hamilton, Haney, Hill, McKee, McMillan, Mikell, Payne, Poole, Powell, Richardson, Sanderford and Walker.

-21

And the bill:

S. 4. To amend Section 41-19-7 of the Code of Alabama 1975, relating to the presentation of the proposed budget by the Governor.

was taken up.

AMENDMENT OFFERED

Representative Drake offered the following amendment #1 to the bill, S. 4:

On page 1, on line 13, delete "30" and insert: 10

On page 2, on line 4 delete "30" and insert in lieu: 10

SUBSTITUTE AMENDMENT OFFERED

Representative Harper offered the following substitute amendment to the amendment #1 offered by Representative Drake to the bill, S. 4:

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To amend S. 4 on page 2, line 4 by striking the number "30" and inserting in lieu thereof the number "15"

MOTION TO TABLE LOST

The motion offered by Representative Drake to table the substitute amendment offered by Representative Harper to the amendment #1 offered by Representative Drake to the bill, S. 4, was lost.

Yeas 29; Nays 44.

Yea:

Representatives Biddle, Blakeney, Carns, Cosby, Curry, Drake, Escott-Russell, Freeman, Gaines, Goodwin, Hamilton, Haney, Hawkins, Hill, Knight, Laird, Layson, McKee, Mikell, Morton, Newton (C), Payne, Rich, Richardson, Sanderford, Sanderson, Smith (R), Venable and Walker.

-29

Nay:

Representatives Barnes, Beasley, Black (L), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Crow, Cullins, Dolbare, Flowers, Gaston, Grayson, Hall, Hammett, Harper, Haynes, Higginbotham, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Mathis, McClain, McDowell, McMillan, Melton, Morrow, Parker (P), Parker (T), Poole, Rockhold, Rogers (F), Smith (C), Starkey, Turnham, Warren, Williams and Zoghby.

-44

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 98. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

MCDOWELL LEE
Secretary

S. 4 RESUMED**SUBSTITUTE AMENDMENT ADOPTED**

The question was then on the adoption of the substitute amendment offered by Representative Harper to the amendment #1 offered by Representative Drake to the bill, S. 4, and the substitute amendment was adopted.

Yeas 63; Nays 20.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, Mathis, McClain, McDowell, Melton, Morrow, Newton (C), Parker (P), Parker (T), Perdue, Poole, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-63

Nay:

Representatives Biddle, Blakeney, Carns, Curry, Gaines, Hamilton, Haney, Hill, Knight, Laird, Layson, McKee, McMillan, Mikell, Morton, Payne, Rich, Sanderford, Sanderson and Walker.

-20

MOTION TO CARRY OVER TABLED

On motion of Representative Freeman, the motion offered by Representative Poole to carry over the bill, S. 4, as amended, to the twenty-ninth legislative day, was tabled.

Yeas 47; Nays 40.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cosby, Dolbare, Flowers, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hammett, Harper, Hawkins, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McDowell, Parker (P), Parker (T), Rockhold, Rogers (F),

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Smith (C), Spratt, Starkey, Turnham, Warren, White, Williams and Zoghby.

-47

Nay:

Representatives Biddle, Blakeney, Bryant, Bugg, Cagle, Carns, Crow, Cullins, Curry, Drake, Escott-Russell, Gaines, Hall, Hamilton, Haney, Harvey, Haynes, Hill, Knight, Laird, Layson, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Payne, Perdue, Poole, Rich, Richardson, Sanderford, Sanderson, Smith (R), Venable, Walker and Willis.

-40

AMENDMENT OFFERED

Representative Drake offered the following amendment #2 to the bill, S. 4, as amended:

On page 1, on line 13, delete "30" and insert: 11

On page 2, on line 4 delete "30" and insert in lieu: 11

MOTION TO TABLE LOST

The motion offered by Representative Box to table the amendment #2 offered by Representative Drake to the bill, S. 4, as amended, was lost.

Yeas 40; Nays 44.

Yea:

Mr. Speaker, Barnes, Beasley, Box, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cullins, Escott-Russell, Flowers, Gullatt, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Holmes, Hooper, Johnson, Kennedy, Mathis, McClain, McDowell, Melton, Morrow, Newton (C), Parker (T), Rockhold, Smith (C), Spratt, Starkey, Turnham, Warren and Zoghby.

-40

Nay:

Representatives Biddle, Black (M), Blakeney, Bryant, Cagle, Carns, Cosby, Crow, Curry, Dolbare, Drake, Freeman, Gaines, Gaston, Goodwin, Hamilton, Haney, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Payne, Perdue, Poole,

Powell, Rich, Richardson, Sanderford, Sanderson, Venable, Walker, Williams and Willis.

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AMENDMENT TABLED

On motion of Representative Harper, the amendment #2 offered by Representative Drake to the bill, S. 4, as amended, was tabled.

Yeas 51; Nays 35.

Yea:

Mr. Speaker, Barnes, Beasley, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Collins, Cullins, Dolbare, Flowers, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holley, Holmes, Hooper, Kennedy, Letson, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Powell, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Warren and Zoghby.

-51

Nay:

Representatives Biddle, Black (M), Blakeney, Cagle, Carns, Cosby, Crow, Curry, Drake, Freeman, Gaines, Gaston, Goodwin, Hamilton, Haney, Hill, Johnson, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morton, Payne, Poole, Rich, Richardson, Sanderford, Sanderson, Smith (R), Walker, Williams and Willis.

-35

AMENDMENT OFFERED

Representative Poole offered the following amendment to the bill, S. 4, as amended:

On page 1, on line 13, delete "30" and insert: 12

On page 2, on line 4 delete "30" and insert in lieu: 12

MOTION IN WRITING ADOPTED

Representatives Carothers and Butler offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 31; Nays 27.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Butler, Cagle, Carothers, Dolbare, Escott-Russell, Freeman, Fuller, Grayson, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holley, Hooper, Mathis, McDaniel, Parker (P), Parker (T), Rogers (F), Smith (C), Starkey, Warren and Zoghby.

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Nay:

Representatives Blakeney, Bugg, Cosby, Crow, Curry, Drake, Gaines, Hall, Haney, Hill, Knight, Kvalheim, Layson, McKee, McMillan, Mikell, Morton, Newton (D), Payne, Perdue, Poole, Powell, Richardson, Sanderford, Sanderson, Walker and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 454. To prohibit any college or university from spending public funds or using public facilities, directly or indirectly, to sanction, recognize, or support any group that promotes a lifestyle or actions prohibited by the sodomy and sexual misconduct laws; to prohibit any group from permitting or encouraging its members or others to engage in or provide materials on how to engage in the lifestyle or actions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 98. To authorize and approve a compact with the State of Mississippi to promote and develop trade, commerce, industry, and employment opportunities for the public good and welfare in northeast Mississippi and northwest Alabama through the establishment of a joint interstate authority to acquire certain railroad properties and facilities.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

S. 4 RESUMED**AMENDMENT LOST**

The question was then on the adoption of the amendment offered by Representative Poole to the bill, S. 4, as amended, and the amendment was lost.

Yeas 33; Nays 47.

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Yea:

Representatives Biddle, Black (M), Blakeney, Carns, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Freeman, Gaines, Goodwin, Gullatt, Hamilton, Haney, Hill, Knight, Laird, Layson, McKee, Mikell, Morton, Payne, Perdue, Poole, Rich, Sanderford, Sanderson, Smith (R), Walker, Williams and Willis.

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Nay:

Mr. Speaker, Barnes, Beasley, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Collins, Dolbare, Flowers, Gaston, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newton (C), Parker (P), Parker (T), Powell, Richardson, Rockhold, Rogers (F), Smith (C), Starkey, Thomas, Turnham, Warren and Zoghby.

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And the bill, S. 4, as amended, was read a third time at length and passed.

Yeas 82; Nays 7.

Yea:

Mr. Speaker, Barnes, Beasley, Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-82

Nay:

Representatives Biddle, Blakeney, Carns, Drake, Haney, Payne and Sanderford.

- 7

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Freeman to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, S. 2, was lost, lacking a four-fifths vote.

Yeas 59; Nays 19.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JL), Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Crow, Dolbare, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Kvalheim, Letson, Lindsey, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Carns, Cullins, Curry, Gaines, Hamilton, Haney, Knight, Laird, Layson, McKee, McMillan, Mikell, Parker (T), Payne, Poole, Powell, Richardson, Sanderford and Sanderson.

-19

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, H. 53, was adopted.

Yeas 64; Nays 16.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Carns, Curry, Drake, Gaines, Haney, Knight, McKee, McMillan, Mikell, Parker (T), Payne, Poole, Powell, Richardson, Sanderford and Sanderson.

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And the bill:

H. 53. To propose a self-executing amendment to the Alabama Constitution of 1901, relative to setting the dates, times and length of an organizational, annual regular, annual budget and any special session of the Alabama Legislature; to provide for superseding Constitutional Amendment No. 339; to repeal Constitutional Amendment No. 448; and to provide for a constitutional election on the proposed amendment.

was taken up.

AMENDMENT OFFERED

Representative Freeman offered the following amendment #1 to the bill, H. 53:

Amend House Bill No. 53 Page 3 Line 4, as follows: By striking the number "70" and by substituting in lieu thereof the number "60"; also by striking the number "35" on line "13" and by substituting in lieu thereof the number "45"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Freeman offered the following amendment #2 to the bill, H. 53, as amended:

Amend House Bill No. 53 Page 3 Line 19, as follows:

By striking the following "or any other legislation dealing with financial needs" and by inserting in lieu therein: or any other legislation dealing with emergency financial needs of the State"

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

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S. 2 SUBSTITUTED FOR H. 53

On motion of Representative Freeman, the bill, S. 2, was substituted for the bill, H. 53, as amended.

BUDGET ISOLATION RESOLUTION

On motion of Representative Freeman, the Budget Isolation Resolution relating to the bill, S. 2, was adopted.

Yeas 55; Nays 22.

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Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Gullatt, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, Melton, Morrow, Newton (C), Parker (P), Perdue, Powell, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-55

Nay:

Representatives Biddle, Carns, Curry, Gaines, Grayson, Hall, Hamilton, Hill, Knight, Kvalheim, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Poole, Rich, Richardson, Sanderford, Sanderson and Thomas.

-22

AMENDMENT OFFERED

Representative Freeman offered the following amendment #1 to the bill, S. 2:

Amend Senate Bill 2 on page 3, lines 4 & 13 by deleting the word "schools" and inserting in lieu thereof the word "education".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Freeman offered the following amendment #2 to the bill, S. 2, as amended:

Amend Senate Bill 2 on page 2, line 30 by striking the number "70" and by inserting in lieu thereof the number "60".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 66; Nays 0.

Yea:

Representatives Barnes, Beasley, Biddle, Black (L), Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Perdue, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

-66

AMENDMENT OFFERED

Representative Lindsey offered the following amendment to the bill, S. 2, as amended:

Amend S. 2 on page 2, Section 1, lines 26-28 by striking after the words "term of office of the legislators" the following: ", on the first Tuesday of February of the second and third years of such term"

On line 28, delete the word "second" and insert the word: Third

And inserting on line 28 after the words "second Tuesday in January of the" the following words: second, third, and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 3.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Johnson, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Warren, Willis and Zoghby.

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Nay:

Representatives Clark (W), Grayson and Starkey.

- 3

AMENDMENT OFFERED

Representative Holley offered the following amendment #1 to the bill, S. 2, as amended:

Amend Senate Bill 2 on page 2, line 28 after the word "term" by inserting the following: "unless changed by statute".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holley, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representative Hill.

- 1

AMENDMENT OFFERED

Representative Holley offered the following amendment #2 to the bill, S. 2, as amended:

To amend S. 2 on page 3, line 16 by adding after the period the following: "If a general appropriation bill is referred to a conference committee to resolve differences between the two houses, that conference committee shall file its report in both houses of the Legislature. That report shall be made available to all members of the Legislature and may not be voted upon by either house of the Legislature within twenty-four hours from such time as the conference committee has returned its report."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Rich offered the following amendment to the bill, S. 2, as amended:

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Amend S. 2 on page 2, Section 1 by striking lines 29 through the word ~~introduced~~, on page 3 line 16 and inserting the following in lieu thereof:

Beginning in 1993 there shall be an annual budget session of the Legislature every year to be held within 55 calendar days and 15 legislative days. During the budget session, only bills pertaining to raising revenue, general appropriation bills for the ordinary expenses of the executive, legislative and judicial department of the state, bills for interest on the public debt, and bills for the support and maintenance of public schools or any other legislation dealing with financial needs may be introduced, and local bills. Every odd numbered year there shall be another session to begin the Tuesday following the adjournment of the Budget Session. This session shall be held within 70 calendar days and 20 legislative days. During this session, legislation of any nature may be introduced with the exception of the following; general appropriation bills for the ordinary expenses of the executive, legislative and judicial departments of the state, bills for interest on the public debt, and appropriation bills for the support and maintenance of public schools.

AMENDMENT TABLED

On motion of Representative Freeman, the amendment offered by Representative Rich to the bill, S. 2, as amended, was tabled.

Yeas 46; Nays 19.

Yea:

Representatives Barnes, Beasley, Black (L), Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Clark (W), Collins, Crow, Cullins, Dolbare, Flowers, Freeman, Fuller, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Laird, Lindsey, McClain, Morrow, Newton (C), Parker (P), Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Carns, Carothers, Gaines, Gaston, Hamilton, Haney, Kvalheim, McKee, Mikell, Morton, Parker (T), Payne, Poole, Powell, Rich, Richardson, Sanderford, Sanderson and Smith (R).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 131. To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to authorize certain additional state, county and municipal agencies and regional planning and development commissions to participate in the plan; to provide additional eligibility requirements for those entities wishing to participate in said plan; to provide procedures regarding revocation of participation in said plan.

MCDOWELL LEE
Secretary

S. 2 RESUMED**SUBSTITUTE OFFERED**

Representative Powell offered the following substitute to the bill, S. 2, as amended:

**A BILL
TO BE ENTITLED
AN ACT**

To propose an amendment to the Alabama Constitution of 1901 to repeal Constitutional Amendment No. 448, to require the Governor to present his proposed basic appropriation bills to the Legislature 30 days prior to a regular session, to set the time frames within the regular session of the Legislature in which appropriation bills are to be considered by each house of the Legislature, to require an automatic special session if the Legislature fails to meet its deadlines, and to set time frames for the return of appropriation bills by the Governor. This bill provides that this Constitutional Amendment is self-executing and also provides for a special constitutional election for this proposed amendment to the constitution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when

approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

Section (A). The following words and phrases, whenever used in this amendment, shall have the following respective meanings:

"Basic appropriations" means, with respect to any regular session of the legislature, such appropriations as the legislature may deem appropriate for the expenditures by the state during the ensuing budget period for the ordinary expenses of the executive, legislative and judicial departments of the state, for payment of the public debt, and for public education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).

Section (B). Beginning January 1, 1993, thirty days prior to the beginning of the regular session of the Legislature, the Governor shall present his proposed bills making basic appropriations from the state general fund and/or from other state funds (with the exception of state funds earmarked for educational purposes), along with any proposed bills raising revenue necessary to fund all of the Governor's proposed appropriations, to the Clerk of the House of Representatives. At the same time, the Governor shall present his proposed bills making basic appropriations from the public school fund and/or from the special educational trust fund and/or from any other funds heretofore or hereafter earmarked for educational purposes, to the Secretary of the Senate. Thirty days prior to the beginning of the 1994 regular session, the Governor shall present his proposed bills making basic appropriations from the public school fund and/or the special educational trust fund and/or from any other funds heretofore or hereafter earmarked for educational purposes, along with any proposed bills raising revenue necessary to fund all of the Governor's proposed appropriations, to the Clerk of the House of Representatives and at the same time the Governor shall present his proposed bills making basic appropriations from the state general fund and/or from any other state funds (with the exception of state funds earmarked for educational purposes), to the Secretary of the Senate and such alternating presentation of the proposed appropriation bills by the Governor to the Legislature thirty days prior to the commencement of each annual regular session of the Legislature shall continue thereafter.

Section (C). On or before the tenth legislative day of the regular session, the House of Representatives and the Senate shall consider and vote upon the respective basic appropriation bills introduced in each house and transmit the bills so passed to the other house of the Legislature for consideration. If either house shall fail to meet the aforementioned deadline, that house shall have two legislative days in which to fulfill its mandate. Said house shall not consider any business, other than necessary operating procedures of that house, within that two day grace period until such time as said house acts upon the respective basic

appropriation bills pending in that house.

Section (D). On or before the twentieth legislative day, the House of Representatives and the Senate shall consider and vote upon the respective appropriation bills transmitted to them by the other house. If either house shall fail to meet the aforementioned deadline, that house shall have two legislative days in which to fulfill its mandate and that house shall not consider any business, other than necessary operating procedures of that house, within that two day grace period until such time as said house acts upon the respective basic appropriation bills pending in that house.

Section (E). If an appropriation bill is passed in a different form by the second legislative house, it is to be returned to the originating house and acted upon by that house in the same manner as other such bills are acted upon. If a basic appropriation bill is referred to a conference committee to resolve differences between the two houses, that conference committee shall return its report to both houses of the Legislature. That report shall be made available to all members of the Legislature and may not be voted upon by either house of the Legislature within twenty-four hours from such time as the conference committee has returned its report. The conference committee report shall be acted upon by both houses of the Legislature and shall be forwarded to the Governor by the twenty-fourth legislative day.

Section (F). Notwithstanding the provisions of Section 125 of the Alabama Constitution of 1901, the Governor shall sign, amend, line-item veto or veto said bills and shall return, when necessary, such bills to the Legislature by the twenty-eighth legislative day. If the Governor fails to return the appropriation bills by the twenty-eighth legislative day, said appropriation bill shall become law without his or her signature and said bill may not then be amended or vetoed by the Governor.

Section (G). Nothing in this Amendment shall be deemed to prohibit any member of either house from originating an appropriation bill and offering such bill for consideration by his or her legislative body. If such appropriation bill is considered within the time frames provided for within this Amendment, such bill may be enacted with a majority vote of the members of that house voting. However, if said appropriation bill is not voted upon by each house within the time requirements of this Amendment, said bill must be enacted by a three-fifths vote of the members of that house voting.

Section (H). In the event that either house shall fail to fulfill its mandates within the time requirements of this Amendment or within the two legislative day grace period provided for in this Amendment, the regular session shall automatically be suspended and the Legislature shall convene in special session on the next calendar day (excepting Saturdays, Sundays and state holidays). Notwithstanding the provisions of Amendment 339 as it relates to time limits for special sessions, the Legislature shall remain in special session until such time as

the basic appropriation bills for state operating expenses and public educational functions are acted upon by the Legislature and the Governor. During such special session, only basic appropriation bills may be considered by either house of the Legislature. The beginning of a special session under the provisions of this Amendment shall toll the running of the regular session time limits of thirty legislative days within one hundred and five calendar days as provided for in Amendment 339 of the Alabama Constitution of 1901. At such time as the basic appropriation bills are enacted into law, the special session shall end and the regular session shall automatically resume on the next calendar day (Saturdays, Sundays and state holidays excluded).

Section 2. Amendment 448 to the Alabama Constitution of 1901 is hereby repealed.

Section 3. An election upon the herein proposed amendment as well as any other proposed amendments to the Alabama Constitution of 1901, is ordered to be held at a special constitutional amendment election after the expiration of three months but not longer than the expiration of four months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state as well as in accordance with Amendment No. 425 of the Constitution for any proposed amendment applying to only one county.

Section 4. Notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state for general constitutional amendments and in each newspaper qualified to run legal notices in any county where a proposed amendment applies only to such county. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 5. The provisions of this act shall be effective immediately upon ratification by the people and the governor thereafter shall proclaim this amendment as well as any other amendments, as required by law.

SUBSTITUTE TABLED

On motion of Representative Freeman, the substitute offered by Representative Powell to the bill, S. 2, as amended, was tabled.

Yeas 39; Nays 22.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Bryant, Buskey (JE), Butler, Cagle, Campbell, Clark (W), Crow, Cullins, Dolbare, Flowers, Freeman, Gaston, Gullatt, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson, Kennedy, Kvalheim, McClain, Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

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Nay:

Representatives Box, Buskey (JL), Carns, Collins, Cosby, Curry, Gaines, Hill, Laird, Lindsey, McDaniel, McMillan, Millican, Morrow, Newton (C), Parker (T), Payne, Poole, Powell, Rich, Sanderford and Sanderson.

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AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, S. 2, as amended:

Amend S. 2 on page 3, line 16 by adding after the word "introduced" the following: Provided, that any appropriation bill shall be returned to the house in which it originated for final consideration at least two legislative days prior to the end of the annual budget session.

MOTION TO TABLE LOST

The motion offered by Representative Freeman to table the amendment offered by Representative McMillan to the bill, S. 2, as amended, was lost.

Yeas 35; Nays 35.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bryant, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Crow, Dolbare, Freeman, Hall, Hammett, Harper, Haynes, Hogan, Holley, Hooper, Johnson, Kennedy, Lindsey, McClain, Newton (C), Parker (P), Perdue, Rogers (F), Smith (C), Spratt, Starkey, Venable, Warren and Willis.

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Nay:

Representatives Biddle, Box, Butler, Carns, Collins, Cosby, Curry, Gaines, Gaston, Gullatt, Hamilton, Harvey, Hawkins, Hill, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Parker (T), Payne, Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Turnham and Zoghby.

-35

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative McMillan to the bill, S. 2, as amended, and on motion of Representative Harper, the amendment was tabled.

Yeas 43; Nays 22.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Flowers, Freeman, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hogan, Holley, Johnson, Kennedy, Lindsey, McDaniel, Millican, Morrow, Parker (P), Perdue, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Venable, Warren and Willis.

-43

Nay:

Representatives Biddle, Carns, Curry, Gaston, Haney, Hawkins, Hill, Knight, Kvalheim, Laird, Layson, McKee, Mikell, Morton, Parker (T), Payne, Poole, Rich, Richardson, Sanderford, Sanderson and Smith (R).

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AMENDMENT OFFERED

Representative Knight offered the following amendment to the bill, S. 2, as amended:

Amend S. 2 on page 3, line 4 by striking the word "On" and inserting in lieu thereof, the following: During the first and third years of each quadrennium, on

On line 5, strike the word "annual" and insert the word: biennial

In the title, on line 22 after the word "regular," delete the word "annual"

On p. 2, line 29, delete the word: "two"

AMENDMENT TABLED

On motion of Representative Freeman, the amendment offered by Representative Knight to the bill, S. 2, as amended, was tabled.

Yeas 43; Nays 14.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Bugg, Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Collins, Crow, Cullins, Dolbare, Flowers, Gaston, Gullatt, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Richardson, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-43

Nay:

Representatives Carns, Gaines, Hamilton, Haney, Hill, Knight, McDaniel, McKee, Mikell, Morton, Payne, Poole, Rich and Sanderford.

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AMENDMENT OFFERED

Representative Cosby offered the following amendment to the bill, S. 2, as amended:

Amend Senate Bill 2 on page 3, line 16 after the word "introduced." by adding the following:

"The Legislature shall not make any absolute, supplemental or conditional base appropriation from any state fund in the state treasury for any fiscal year in any amount that exceeds the total revenue deposited into that fund for the fiscal year (the base year) that ended one year prior to the commencement of the fiscal year for which the appropriation is being made, excluding any federal funds, and with the exception of the provisions of sub-sections (2) and (3) herein. It is hereby expressly provided, however, that the Governor of the State may call the Legislature into special session during which session the Legislature may make supplemental appropriations from a state fund, but only to the extent that revenue was deposited into said fund for the fiscal year that ended prior to the year for which such supplemental appropriation is made. In the event that an unencumbered and unexpended balance is carried forward from the previous fiscal year in any state fund, the Legislature may make supplemental appropriations, in addition to any other appropriations from said state fund, but only to the extent that revenue

was deposited into said fund for the fiscal year that ended prior to the year for which such supplemental appropriation is made.

It is expressly provided, however, that the foregoing shall not preclude the Legislature from also appropriating the estimated future revenue that will be realized by a revenue generating measure enacted by the Legislature during any session. The Legislature may appropriate the estimated revenue generated by such measures until such time as revenue generated by that measure for a full fiscal year has been deposited into the receipts of the appropriate state fund for the base year."

MOTION TO TABLE LOST

The motion offered by Representative Holley to table the amendment offered by Representative Cosby to the bill, S. 2, as amended, was lost.

Yeas 17; Nays 47.

Yea:

Mr. Speaker, Beasley, Bugg, Butler, Carothers, Freeman, Hall, Harvey, Holley, Millican, Morrow, Parker (P), Rogers (F), Smith (C), Spratt, Starkey and Warren.

-17

Nay:

Representatives Biddle, Box, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Flowers, Gaines, Gaston, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Sanderford, Sanderson, Turnham, Venable and Willis.

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MOTION TO TABLE LOST

The motion offered by Representative Holley to table the amendment offered by Representative Cosby to the bill, S. 2, as amended, was lost.

Yeas 17; Nays 48.

Yea:

Representatives Beasley, Bryant, Bugg, Carothers, Dolbare, Freeman, Harvey, Hill, Holley, Knight, Millican, Parker (P), Perdue, Rogers (F), Smith (C), Smith (R) and Starkey.

-17

Nay:

Mr. Speaker, Biddle, Box, Buskey (JL), Cagle, Campbell, Carns, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Payne, Poole, Richardson, Rockhold, Sanderford, Sanderson, Turnham, Venable, Warren, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 615. To further provide for the privilege tax on nursing facilities and hospitals and to amend Sections 40-26B-20, 40-26B-21, 40-26B-25, 40-26B-40, 40-26B-41, 40-26B-43, and 40-26B-45, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 615, said Senate amendment being as follows:

Amend House Bill 615 on page 6, by deleting line 11 in its entirety and inserting in lieu thereof the following: "than a broad based health care related tax within the meaning of".

Further amend the bill on page 6, line 12, by deleting "USC 1396(t)" and inserting in lieu thereof the following: "the Medicaid Voluntary Contribution and Provider Specific Tax Amendments of 1991, PL 102-234 [H.R. 3595] 105 Stat."

1793. The citation for the USC must be substituted for the statute at large citation as it is codified".

Yeas 66; Nays 4.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Perdue, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-66

Nay:

Representatives McKee, Payne, Poole and Sanderson.

- 4

S. 2 RESUMED

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Holley to indefinitely postpone the bill, S. 2, as amended, and the pending amendment was lost.

Yeas 19; Nays 49.

Yea:

Representatives Biddle, Bugg, Carns, Curry, Dolbare, Hamilton, Harvey, Hawkins, Hill, Laird, Mikell, Morton, Parker (T), Payne, Poole, Rogers (F), Sanderson, Smith (C) and Smith (R).

-19

Nay:

Mr. Speaker, Beasley, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Haynes, Higginbotham, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, McKee,

McMillan, Morrow, Parker (P), Perdue, Powell, Richardson, Rockhold, Sanderford, Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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MOTION IN WRITING ADOPTED

Representative Freeman offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 35; Nays 30.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Cagle, Collins, Cosby, Crow, Cullins, Escott-Russell, Freeman, Gaines, Gaston, Hall, Harper, Hill, Hogan, Holley, Hooper, Johnson, Layson, Lindsey, McDaniel, McMillan, Mikell, Morrow, Poole, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Warren, Willis and Zoghby.

-35

Nay:

Representatives Biddle, Buskey (JE), Campbell, Carns, Carothers, Curry, Dolbare, Flowers, Grayson, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Higginbotham, Knight, Laird, McKee, Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Sanderford, Sanderson, Smith (R), Turnham and Venable.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Cosby to the bill, S. 2, as amended, and the amendment was adopted.

Yeas 56; Nays 10.

Yea:

Mr. Speaker, Biddle, Box, Bryant, Buskey (JL), Cagle, Campbell, Carns, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Gullatt,

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Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McMillan, Mikell, Morrow, Morton, Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Beasley, Bugg, Buskey (JE), Carothers, Clark (W), Dolbare, Grayson, Holley, Parker (P) and Perdue.

-10

And the bill, S. 2, as amended, was read a third time at length and lost, lacking a three-fifths unanimous vote of all members elected to the House as required by Amendment No. 425 of the Constitution.

Yeas 43; Nays 29.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Buskey (JL), Campbell, Carothers, Clark (W), Collins, Cosby, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McDaniel, McMillan, Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

-43

Nay:

Representatives Biddle, Bugg, Buskey (JE), Cagle, Carns, Crow, Cullins, Curry, Grayson, Hamilton, Haney, Harvey, Hawkins, Hill, Laird, Layson, McKee, Mikell, Millican, Morrow, Morton, Parker (T), Payne, Poole, Powell, Richardson, Sanderford, Smith (R) and Venable.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Escott-Russell, the Budget Isolation Resolution relating to the bill, H. 393, was adopted.

Yeas 49; Nays 9.

Yea:

Mr. Speaker, Biddle, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Collins, Crow, Curry, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Hawkins, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, McDaniel, McMillan, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Spratt, Starkey, Willis and Zoghby.

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Nay:

Representatives Flowers, Hammett, Higginbotham, Laird, Layson, McKee, Morton, Smith (R) and Turnham.

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And the bill:

H. 393. (With Substitute): Requiring the establishment of a school breakfast program and a school lunch program in certain schools.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish the "Alabama Child Nutrition Law"; to provide that each board of education shall establish school breakfast and lunch programs beginning with the 1993-94 school year; to authorize the state board of education to promulgate rules for the compliance of this act; and to provide for enforcement and the imposition of sanctions by the state superintendent of education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the "Alabama Child Nutrition Law."

Section 2. The legislature finds that the proper nutrition of school children bears a demonstrated relationship to the capacity of children to learn and develop, and that the state and local schools have an obligation to help meet the nutritional needs of children during the school day.

Section 3. By no later than the beginning of the 1993-94 school year, and for each subsequent school year, each board of education shall establish a school lunch program in every school under its jurisdiction in accordance with rules established under Section 5 of this act.

Section 4. (a) By no later than the beginning of the 1993-94 school year, and for each subsequent school year, each board of education shall establish a school breakfast program in:

(1) Every school which contains first grade through eighth grade under the board's jurisdiction in which twenty-five percent (25%) or more of the students participated in the school lunch program at a free or reduced price, based on the cumulative analysis of school lunch participation in the month of April of the preceding school year; and

(2) Every school which contains ninth grade through twelfth grade under the board's jurisdiction in which twenty-five percent (25%) or more of the students participated in the school lunch program at a free or reduced price based on the cumulative analysis of school lunch participation in the month of April of the preceding school year.

(b) The state board of education may by rule or regulation authorize the state superintendent of education to waive the requirements in this section if the cumulative annualized participation in this program for an individual school is less than fifty (50) students and if the school has complied with Section 6(4) of this act.

Section 5. (a) Nothing in this act shall be construed to limit the hours of instructional school time.

(b) If federal funds for the provision of free or reduced price meals become unavailable, the provision of meals under Sections 3 and 4 of this act shall no longer be required. Provided, however, nothing in this section shall prohibit the use of state or local funds to administer the program if such funds are made available.

Section 6. The state board of education shall promulgate rules and regulations which shall:

(1) Establish minimum nutritional requirements for school lunch and school breakfast programs;

(2) Establish standards of income eligibility for free or reduced price meals for disadvantaged children;

(3) Prescribe uniform methods of determining eligibility for free or reduced price meals;

(4) Require that each local board of education establish a method to regularly notify students and parents of the availability of free or reduced price meals to encourage participation in the breakfast program;

(5) Establish a uniform reporting system for the collection and compilation of data on the administration of this act including a report on each individual school;

(6) Require each local board of education to submit to the superintendent a plan for compliance with this act at least sixty (60) days prior to the beginning of the 1993-94 school year and require that local boards submit modifications to the plan at least sixty (60) days prior to the beginning of each subsequent school year;

(7) Require that each local board of education certify to the state superintendent compliance with the plan as submitted or modified within thirty (30) days after the beginning of each school year;

(8) Provide that compliance with standards and requirements of the national school lunch program and the national school breakfast program or their successors shall be deemed compliance with these requirements;

(9) Permit, in accordance with federal requirements, reimbursement for supervision of students participating in a meals program required by this act; and

(10) Permit the state superintendent of education to waive the requirements of Section 4 for any individual school for each year that a local board of education can document that:

a. The implementation of a school breakfast program would cause an unavoidable and unreasonable disruption of schedule which would substantially impair the ability of the school to maintain a proper educational program; and

b. The cumulative annualized participation in the school breakfast program is less than fifty (50) students and the school has complied with Section 6(4) of this act.

Section 7. The state superintendent of education shall review each plan and subsequent modifications submitted under Section 6(7) and determine whether the plan complies with this act within thirty (30) days prior to the beginning of the school year. After the beginning of the school year, the superintendent of education shall assure implementation of an approved plan.

Section 8. The state superintendent of education shall investigate and promptly act upon any allegation of non-compliance with this act or the rules and regulations promulgated under this act. The state superintendent of education may suspend the payment of all or part of the state education funds to any school system which is found to be not in compliance with this act or any rules and regulations promulgated under this act.

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Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO ADJOURN LOST

The motion offered by Representative Turnham that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

H. 393 RESUMED

The question was then on the adoption of the substitute reported by the Standing Committee on Education.

MOTION TO ADJOURN LOST

The motion offered by Representative Layson that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

Yeas 19; Nays 45.

Yea:

Representatives Cagle, Crow, Cullins, Flowers, Freeman, Hamilton, Hammett, Haney, Harvey, Higginbotham, Laird, Layson, McKee, Mikell, Morton, Sanderford, Smith (R), Turnham and Willis.

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Nay:

Representatives Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carns, Clark (W), Collins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Haynes, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McMillan, Millican, Morrow, Newton (D), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Spratt, Venable, Warren and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 131. To amend Act No. 90-624, H. 570, 1990 Regular Session, codified as Section 36-29-14, Code of Alabama 1975, which provides the procedure for officers, employees and retirees of certain cities, towns, fire districts, water and fire authority districts and the Alabama League of Municipalities to be covered under the state employees' health insurance plan, so as to authorize certain additional state, county and municipal agencies and regional planning and development commissions to participate in the plan; to provide additional eligibility requirements for those entities wishing to participate in said plan; to provide procedures regarding revocation of participation in said plan.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 128. CONGRATULATING MR. AND MRS. BUFORD C. KNIGHT, PARENTS OF OUR ESTEEMED COLLEAGUE, REPRESENTATIVE AL KNIGHT, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

S.J.R. 129. COMMENDING BRANDON ALAN COOK OF PELHAM, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S.J.R. 130. NAMING THE "GLENN L. MAZE MUSIC BUILDING."

Also:

S.J.R. 132. COMMENDING KAY WAGGONER TIPTON OF VESTAVIA HILLS HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 393 RESUMED

The question was then on the adoption of the substitute reported by the Standing Committee on Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 221. To give the Act a title; to amend Section 16-6-1, Code of Alabama 1975 to require the appointment of fifteen members to the Alabama Education Study Commission; the procedure for the appointment of members to the Education Study Commission by the Governor, Lieutenant Governor, the Speaker of the House, State Board of Education, the Alabama Association of School Boards, the Alabama Education Association, and the Business Council of Alabama; to require a system of terms for members of the Alabama Education Study Commission; to change the length of terms for members of the Alabama education study commission, and to cause the terms of the current members of the commission to expire on the effective date of this Act; to establish a per diem for commission members; to amend Section 16-6-2, Code of Alabama 1975 to provide for a quorum for the Alabama Education Study Commission; to amend Section 16-6-5.1, Code of Alabama 1975 relating to the duties and responsibilities of the Standards on Excellence Commission, require the creation of an Education Master Plan to be approved by the state board of education, and to provide for the appointment of a committee of five persons to develop and implement a system to provide grants to individual schools for innovation and improvement of education, to provide for the appointment of this committee by the Alabama Education Study Commission and to provide that the commission shall develop plans for improving parental involvement in the educational process of children; to amend Section 16-8-1, Code of Alabama 1975 regarding the qualifications for membership on a county board of education to provide that a member of a county board of education have a high school education or a G.E.D. equivalency and after election successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards and to provide that certification of the

completion of the training be certified to the State Department of Education; to amend Section 16-8-2 of the Code of Alabama 1975, relating to terms of office for county board of education members, to provide further for the length of terms; to amend Section 16-8-23, Code of Alabama 1975 to provide that a county superintendent of education may suspend employees of the local board of education without pay for a period not to exceed ten (10) working days per school year and to provide for a method of providing due process to employees who are so suspended; to amend Section 16-9-1, Code of Alabama 1975; to repeal Section 16-9-12, Code of Alabama 1975; to amend Section 16-11-2, Code of Alabama 1975 regarding the qualifications for membership on a city board of education to provide that a member of a city board of education have a high school education or a G.E.D. equivalency and after appointment successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards or any other such organization which shall be approved by the State Board of Education or by legislative act and to provide that certification of the completion of the training be certified to the State Department of Education, and to provide for compensation of members of city boards of education; to amend Section 16-11-1, Code of Alabama 1975 to provide that a city must have population of 15,000 or more inhabitants before said city may establish a city board of education and to repeal any laws conflicting with this requirement; to amend Section 16-13-199, Code of Alabama 1975 to require that a city have a population of 5,000 or more inhabitants before said city may create a city board of education and to repeal any laws conflicting with this section; to amend Section 16-11-3, Code of Alabama 1975 to provide that a member of the city board of education shall take the oath required by the Constitution of the State of Alabama of 1901 before assuming office; to repeal Section 16-11-17, Code of Alabama 1975; to provide for the suspension of employees of a city board of education and to provide a due process system for initiating such a suspension; to amend Section 16-12-1, Code of Alabama 1975 to provide a term of office for city superintendents of education, to provide for termination of a city superintendent and to provide for compensation for a city superintendent; to amend Section 16-23-14, Code of Alabama 1975 to require the State Board of Education to authorize and prescribe minimum standards for each institution of higher education engaged in teacher training so as to require remediation to teacher training graduates who demonstrate a need as reflected by performance-based evaluation for remedial training or development in his or her first three years of employment as a teacher; to repeal Section 16-24-1 through Section 16-24-38, Code of Alabama 1975; to repeal Section 36-26-100, through Section 36-26-108 Code of Alabama 1975; to define teacher, support employee, superintendent, and employing board; to establish criteria for determining teacher tenure, to establish criteria for determining support employee tenure, to define principal, to establish criteria for determining tenure of a principal, to provide for tenured principals, to provide for nontenured principals, compensation for nontenured principals, and election for tenured principals to become nontenured principals, to provide for duties and evaluation of principals, to provide for an appeal of the evaluation of principals, to provide that a contract of an employee is effective until superseded or canceled, to provide that compensation may not be changed for a succeeding year, to provide for the transfer of tenured

and nontenured principals, teachers and support employees, to provide for the grounds of cancellation of a teacher contract, to provide a hearing procedure for employees, to provide for an appeal of an employing board's final decision only to the Court of Civil Appeals, to provide for the cancellation of a contract by an employee, to provide for the effect of leave of absence on tenure, and to provide for the abolition of boards of school trustees and the repeal of Sections 16-10-1 through 16-10-11, Code of Alabama 1975, and to repeal all conflicting laws.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 221, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To give the Act a title; to amend Section 16-6-1, Code of Alabama, 1975, to require the appointment of 15 members to the Alabama Education Study Commission; the procedure for the appointment of members to the Education Study Commission by the Governor, Lieutenant Governor, the Speaker of the House, State Board of Education, the Alabama Association of School Boards, the Alabama Education Association, and the Business Council of Alabama; to require a system of terms for members of the Alabama Education Study Commission, to change the length of terms for members of the Alabama Education Study Commission, and to cause the terms of the current members of the commission to expire on the effective date of this Act; to establish a per diem for commission members; to amend Section 16-6-2, Code of Alabama, 1975, to provide for a quorum for the Alabama Education Study Commission; to amend Section 16-6-5.1, Code of Alabama, 1975, relating to the duties and responsibilities of the Standards on Excellence Commission, to require the creation of an Education Master Plan to be approved by the State Board of Education, and to provide for the appointment of a committee of five persons to develop and implement a system to provide grants to individual schools for innovation and improvement of education, to provide for the appointment of this committee by the Alabama Education Study Commission and to provide that the commission shall develop plans for improving parental involvement in the educational process of children; to amend Section 16-8-1, Code of Alabama, 1975, regarding the qualifications for membership on a county board of education to provide that a member of a county board of education have a high school education or a G.E.D. equivalency and after election successfully complete annual boardmanship training and to provide

that certification of the completion of the training be certified to the State Department of Education; to amend Section 16-8-23, Code of Alabama, 1975, to provide that a county superintendent of education may suspend employees of the local board of education without pay for a period not to exceed ten working days per school year and to provide for a method of providing due process to employees who are so suspended; to amend Section 16-9-1, Code of Alabama, 1975; to repeal Section 16-9-12, Code of Alabama, 1975, relating to county superintendents of education; to amend Section 16-11-2, Code of Alabama, 1975, regarding the qualifications for membership on a city board of education to provide that a member of a city board of education have a high school education or a G.E.D. equivalency and after appointment successfully complete annual boardmanship training and to provide that certification of the completion of the training be certified to the State Department of Education, and to provide for compensation of members of city boards of education; to amend Section 16-11-1, Code of Alabama, 1975, to provide that a city must have a population of 15,000 or more inhabitants before said city may establish a city board of education and to repeal any laws conflicting with this requirement; to amend Section 16-13-199, Code of Alabama, 1975, to require that a city have a population of 15,000 or more inhabitants before said city may create a city board of education and to repeal any laws conflicting with this section; to amend Section 16-11-3, Code of Alabama, 1975, to provide that a member of the city board of education shall take the oath required by the Constitution of the State of Alabama of 1901 before assuming office; to repeal Section 16-11-17, Code of Alabama, 1975 relating to dismissal of employees; to provide for the suspension of employees of a city board of education and to provide a due process system for initiating such a suspension; to amend Section 16-12-1, Code of Alabama, 1975, to provide a term of office for city superintendents of education, to provide for termination of a city superintendent and to provide for compensation for a city superintendent; to amend Section 16-23-14, Code of Alabama, 1975, to require the State Board of Education to authorize and prescribe minimum standards for each institution of higher education engaged in teacher training so as to require remediation to teacher training graduates who demonstrate a need as reflected by performance-based evaluation for remedial training or development in his or her first three years of employment as a teacher; to repeal Section 16-24-1 through Section 16-24-38, Code of Alabama, 1975 relating to tenure of school employees; to repeal Section 36-26-100, through Section 36-26-108 Code of Alabama, 1975 relating to the Fair Dismissal Law for school support personnel; to define teacher, support employee, superintendent, and employing board; to establish criteria for determining teacher tenure, to establish criteria for determining support employee tenure, to define principal, to establish criteria for determining tenure of a principal, to provide for tenured principals, to provide for nontenured principals, compensation for nontenured principals, and election for tenured principals to become nontenured principals, to provide for duties and evaluation of principals, to provide for an appeal of the evaluation of principals, to provide that a contract of an employee is effective until superseded or cancelled, to provide that compensation may not be reduced for a succeeding year, to provide for the transfer of tenured and nontenured principals, teachers and support employees, to provide for the

grounds of cancellation of a teacher contract, to provide a hearing procedure for employees, to provide for an appeal of an employing board's final decision only to the Court of Civil Appeals, to provide for the cancellation of a contract by an employee, to provide for the effect of leave of absence on tenure, and to provide for the abolition of boards of school trustees and the repeal of Sections 16-10-1 through 16-10-11, Code of Alabama, 1975; to amend Section 18-8-2, Code of Alabama 1975, relating to terms of office for county boards of education members so as to further provide for the length of terms; to provide for the election of the city board of education of Class 1 municipalities, and to repeal all conflicting laws.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be known and may be cited as "The Education Accountability Act of 1992."

Section 2. Section 16-6-1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-6-1.

(a) There is hereby created the Alabama Education Study Commission, herein called the commission, which shall constitute a permanent agency of the state and shall be composed of ~~eight~~ fifteen members, to be appointed for a term of six years. ~~one from each congressional district, Seven members are to be appointed by the Governor, for terms of eight years. two by the Lieutenant Governor, two by the Speaker of the House, one by the State Board of Education, one by the Alabama Association of School Boards, one by the Alabama Education Association, and one by the Business Council of Alabama. Of the members first appointed by the Governor, two shall serve for a two-year term, two shall serve for a three-year term, two shall serve for a four-year term, and one shall serve for a five-year term. Of the members first appointed by the Lieutenant Governor and the Speaker, one shall serve for a four-year term and one shall serve for a six-year term. The members appointed by the State Board of Education, the Alabama Association of School Boards, the Alabama Education Association, and Business Council of Alabama each shall serve a six-year term. Of the members first appointed, two shall serve for two years, two shall serve for four years, two shall serve for six years and two shall serve for eight years. Vacancies shall be filled by the governor official or organization originally making the appointment for the unexpired term. The commission shall meet at times and places determined by it, and the members shall be entitled to receive \$30.00 such per diem and mileage as provided for state employees on actual meeting days.~~

(b) All current terms of members serving on the commission shall expire on the effective date of this Act."

Section 3. Section 16-6-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-6-2.

The commission shall elect a chairman from the persons appointed by the Governor and a vice-chairman from among its other members. Five ~~Nine~~ members of the commission shall constitute a quorum. The commission shall act only by a vote of a majority of its existing members."

Section 4. Section 16-6-5.1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-6-5.1.

(a) The legislature does hereby designate the Alabama Education Study Commission as a Standards on Excellence Commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the Governor of the State of Alabama. It is the intent of the legislature that the Alabama Education Study Commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323), and all present and future education reform efforts and report its findings to the Governor, legislature, and the State Board of Education and the general public. The State Department of Education shall consult with the commission on all plans required by the Alabama Education Improvement Act of 1991 and all present and future education reform efforts (Acts 1991, No. 91-323). In conjunction with the State Superintendent, the commission shall develop an Education Master Plan for the State of Alabama. The Education Master Plan shall be designed for a ten-year period and shall be updated annually. Once developed, the Education Master Plan shall be submitted to the State Board of Education for approval. The commission shall report annually on the success or accomplishment pursuant to the plan to the Governor, legislature, State Board of Education and the general public.

(b) The commission shall appoint a committee of five persons to develop and implement a system to provide grants to individual schools for innovation and improvement in education. Two of the persons appointed shall be from education, two from business, and one from labor. The committee shall serve at the pleasure of the commission. The grant system to be developed shall include input from the State Superintendent of Education and the State Board of Education. The grant system shall take into consideration and shall be coordinated with any private efforts establishing similar grant systems. Grants shall be funded from an appropriation made to the commission. The system to be developed for the awarding of grants shall take into consideration the financial ability of the local school system in which the school is located. It is the intent of the legislature that grants shall be equitably distributed among schools of varying financial ability. Grant applications shall be sent to the State Department of Education and the Public Affairs

Research Council of Alabama for review and recommendation. The committee shall receive the recommendation of the State Department of Education and the Public Affairs Research Council of Alabama and shall have the final decision on grant recipients.

(c) The commission shall develop plans for improving parental involvement in the educational process of children. Such plans shall be submitted to the legislature not later than the first day of the 1993 regular session of the legislature."

Section 5. Section 16-8-1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-8-1.

(a) The county board of education shall be composed of not fewer than five nor more than seven members, who shall be elected by the qualified electors of the county.

(b) Board members shall be persons of good moral character, with at least a high school education or G.E.D. equivalency, be of good standing in their respective communities, known for their honesty, business ability, public spirit and interest in the good of public education and, after election, successfully complete state funded boardmanship training as provided and under guidelines developed by the Alabama Association of School Boards and/or any other such organization which shall be approved by the State Board of Education. Each county board of education shall certify annually to the State Department of Education successful completion by each of its members of boardmanship training. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates.

~~(b)~~ (c) County boards of education unless otherwise provided by law may use the provision of this subsection to establish single member election districts with one board member elected from each district. ~~School boards exercising this option may establish five or seven such districts.~~ Such plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. The members so elected must be residents of the district in which election is sought. Such residency shall have been established at least one year before the general election at which the candidate is to be elected. The boundaries of such single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion

those districts within six months following the publication of the results of each federal decennial census.

Section 6. Section 16-8-2 of the Code of Alabama, 1975 is hereby amended to read as follows:

"Section 16-8-2.

At the general election of state and county officers, a member or members shall be elected for terms of ~~six~~ four years to succeed the member or members whose term or terms of office expire at that time. The members of the county board of education shall hold office until their successors have been elected and qualified. Before exercising any authority or performing any duties as a member of the county board of education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by article XVI of the state Constitution, the certificate whereof shall be filed in the office of the judge of probate of the county; however, the foregoing provision shall not be construed to modify any current or pending court order or court-ordered settlement effective on or before December 31, 1992, which relates to the terms of office of county board of education members. It is further provided that current office holders shall complete the term for which they were elected and that the county commissions shall be responsible for providing for staggered terms for members of the county board of education. Notwithstanding any other provision in this act to the contrary, this act as applied to this section only, shall be effective on January 1, 1993. Those county board members who were elected for a term of six years shall be allowed to complete the term to which they were elected. The term of office of county board of education members may be set by local legislation to allow for staggered terms."

Section 7. Section 16-8-23, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-8-23.

(a) The county board of education shall appoint, upon the written recommendation of the county superintendent, all principals, teachers, clerical, and professional assistants authorized by the board. The county board may suspend or dismiss for immorality, misconduct in office, insubordination, incompetency or willful neglect of duty, failure to perform duties in a satisfactory manner, or whenever, in the opinion of the board, the best interests of the school system require it, assistant superintendents, principals, teachers or any other employees or appointees of the board, subject to the provisions of ~~chapter 24 of this title~~ sections 29 and 30 of this act.

(b) The superintendent shall have the right to suspend any employee whether tenured or nontenured without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must

provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The board's decision shall be final, subject to such judicial review as may be otherwise provided by law.

(c) Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law."

Section 8. Section 16-9-1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-9-1.

(a) There shall be a county superintendent of education in each county of this state who shall act as the chief executive administrative officer of the county board of education and who shall also be secretary of the county board of education. The county board of education of each county shall appoint a superintendent of schools for a term of from two to four years from the first day of July next succeeding his appointment which appointment may be terminated during said term for good cause.

(b) The county superintendent of education shall be a full-time employee devoted to public school business. The county superintendent of education shall receive such compensation and other allowances as the county board of education shall direct.

(c) No provision in this act shall be construed to repeal any local act of any county which provides for the popular election of the county superintendent of education."

Section 9. Section 16-9-12, Code of Alabama, 1975, relating to county superintendents of education and compensation is hereby repealed.

Section 10. Section 16-9-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-9-2.

(a) The county superintendent of education shall be chosen for his general

fitness and character and shall be a person of recognized ability as a school administrator. No person shall be eligible for appointment by any county board of education or for any political party nomination, or for election to the office of county superintendent of education unless such person:

(1) Holds an Alabama certificate in administration and supervision based upon requirements established by the State Board of Education for such certificates;

(2) Has had not less than five years of experience in public school work at the time he assumes office;

(3) Submits proof to the State Superintendent of Education of three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator or instructor in school administration during the five years next preceding his appointment or election; and

(4) Submits proof to the county board of education that he holds a degree from a recognized four-year college or university, and that he is knowledgeable in school administration.

~~(5) If such person is to be appointed by the county board of education, submits proof to the county board that he is knowledgeable in school administration.~~

(b) A county superintendent of education, whether elected or appointed, need not be a ~~resident~~ or qualified elector of the county in which he is to serve. In every county where the county superintendent of education is elected by popular vote, he shall be nominated and elected in the same manner as other county officers are nominated and elected under the state election laws."

Section 11. Section 16-11-2, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-11-2.

(a) The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of such city, and who shall not be members of the city council or commission.

(b) The members of such city board of education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, possess either a high school education or G.E.D. equivalency, and, after appointment or election, successfully complete annual state funded boardmanship training as provided and under guidelines developed by the Alabama Association of School Boards or any other such organization

which shall be approved by the State Board of Education. but Each city board of education shall certify annually to the State Department of Education successful completion by each of its members of boardmanship training. ne No person shall be appointed or elected to this board under the provision of this section who is in any way subject to the authority of the board; provided, that in cities having population of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a classroom teacher.

(c) Each member of such city board in cities having a population of 300,000 or more according to the last or any subsequent federal census shall receive \$50.00 for each meeting of the board, whether special, regular or executive session, attended by him; provided, that no member shall receive more than ~~\$150.00~~ \$300.00 during any one month. This compensation shall be paid from the city school funds in the manner provided for paying out of such city school funds."

~~(d) Any city or town which has had the general administration and supervision of the public schools and educational interests of such city or town vested in a city board of education for a period of 20 years or more prior to August 15, 1991, may, if it elects, and except as may be provided by law, continue to have general administration and supervision of the public schools and educational interest under a local board of education regardless of any past or future federal census.~~

Section 12. Section 16-11-1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-11-1.

(a) A "city" within the meaning of this title shall include all incorporated municipalities of ~~5,000~~ 15,000 or more inhabitants, according to the last or any succeeding federal census, or according to the last or any succeeding census taken under the provisions of Sections 11-47-90 through 11-47-95.

(b) Nothing in subsection (a) hereof shall affect the existence of any city board of education as established as of the effective date of this Act. Nothing in this section shall affect the existence of any city which has established a city board of education or has created a city system as of March 1, 1992, even if that city board does not yet have a city superintendent of education."

Section 13. Section 16-13-199, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-13-199.

(a) When a municipality under the jurisdiction of a county board of education attains a population of ~~5,000~~ 15,000 or more, according to the last decennial

or any subsequent federal census, the ~~schools of the municipality may remain under the control of the county board by agreement between that board and the city council of the municipality, which agreement shall be expressed in resolutions adopted by and spread upon the minutes of the two authorities~~ governing body of the municipality may elect to establish an independent board of education by duly adopted municipal ordinance. If the governing body of the municipality ~~does not enter into such an agreement,~~ so elects, the control of the school or schools of the territory within the municipality shall be vested in a city board of education, and thereafter the district school tax collected in the city shall be paid over to the custodian of city school funds, and the district school tax collected in the contiguous territory shall be paid over to the custodian of county school funds; provided, that so much of the proceeds of the special school tax collected in the original school tax district as may be required for the retirement of outstanding warrants issued against such tax, including the interest thereon, shall be paid over to the proper official or authority to be used for such purpose.

(b) Nothing in subsection (a) hereof shall affect the existence of any city board of education established as of the effective date of this Act."

Section 14. Section 16-11-3, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-11-3.

Annually at the regular meetings of the city council or commission in April, the said council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. The terms of office of members of the appointed city board of education shall be five years, and the term of one member shall expire annually. In the event of a vacancy in the membership of the city board of education by resignation or otherwise, the fact shall be reported to the city council or commission by the said board, and the said council or commission shall elect a person to fill such a vacancy for the unexpired term. Before exercising any authority or performing any duties as a member of the city board of education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article XVI of the state constitution, the certificate whereof shall be filed in the office of the judge of probate of the county."

Section 15. Section 16-11-17, Code of Alabama, 1975, relating to salaries and dismissal of employees and salaries is hereby repealed.

Section 16.

(a) The city board of education shall appoint, upon the written recommendation of the city superintendent, all principals, teachers, clerical and professional assistants authorized by the board. The city board may suspend or dismiss for immorality, misconduct of office, insubordination, incompetency or willful neglect of

duty, failure to perform duties in a satisfactory manner, or whenever, in the opinion of the board, the best interests of the school system require it, assistant superintendents, principals, teachers or any other employees or appointees of the board, subject to the provisions of Sections 29 and 30 of this act.

(b) The superintendent shall have the right to suspend any employee whether tenured or nontenured without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The board's decision shall be final, subject to such judicial review as may be otherwise provided by law.

(c) Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law."

Section 17. Section 16-12-1, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-12-1.

The city board of education shall appoint a city superintendent of schools for a term of from two to four years to hold office at the pleasure of the board which appointment may be terminated during said term for good cause. The city superintendent of schools shall receive such compensation and other allowances as the city board of education shall direct. The city board of education may remove the city superintendent of schools for incompetency, immorality, misconduct in office, willful neglect of duty or when, in the opinion of the board, the best interests of the schools require it."

Section 18. Section 16-23-14, Code of Alabama, 1975, is hereby amended to read as follows:

"Section 16-23-14.

For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools, the State Board of Education shall authorize and prescribe minimum requirements on courses of study, organization, qualifications of instructors, buildings and equip-

ment and sanitary conditions, and it shall be the duty of the State Superintendent of Education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the State Board of Education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state. Furthermore, the State Board of Education shall authorize and prescribe minimum standards whereby each institution engaged in teacher-training shall be required to provide remediation to its teacher-training graduates who demonstrate a need, as reflected by a performance-based evaluation, for remedial training or development in his or her first three years of employment as a teacher. The teacher-training institution shall provide this remediation at no cost to its teacher-training graduates."

Section 19. Repeal of Alabama Tenure Law.

Sections 16-24-1 through 16-24-38, Code of Alabama, 1975, are hereby repealed.

Section 20. General Definitions.

(a) The term "teacher" is deemed to mean and include employees of county and city boards of education, the Alabama Institute for Deaf and Blind, Department of Youth Services School District, the Alabama School of Fine Arts and the Alabama School of Mathematics and Science who possess a certificate issued by the teacher certifying authority of the State of Alabama and who are employed in a position for which a certificate is required by the Alabama State Department of Education or Board of Education. Personnel employed on a full-time basis, as defined by the rules and regulations of the State Board of Education, at two-year educational institutions under the control and auspices of the State Board of Education who are employed in academic or technical education, including instructors, counselors, librarians, business managers, deans, assistant deans, and associate deans, are for purposes of this act deemed to be teachers and covered under the provisions herein; however, personnel employed at two-year colleges and the Alabama School of Mathematics and Science shall not be required to obtain a teaching certificate in order to maintain either their teaching position or tenure under the provisions of this act. Notwithstanding the above, superintendents, assistant superintendents, principals, assistant principals, presidents, vice-presidents, provosts, or other chief administrative officers of employing boards shall not be deemed teachers within the meaning of this act and shall not be eligible for tenure under the terms of this act in that capacity.

(b) "Employing board" shall be defined as a city or county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Board of Education of the Alabama Department of Youth Services School District; the Board of Directors of the Alabama High School of Mathematics and Science;

and the Board of Directors of the Alabama School of Fine Arts; with regard to two-year educational institutions under the control and auspices of the State Board of Education, the term "employing board" when used in the context of the employing entity shall be defined as the respective educational institution, and when used in the context of the entity which is responsible for the final decision in a personnel action or proposed personnel action subject to the hearing procedure described in this act shall be the Chancellor of the Alabama Department of Postsecondary Education. The State Board of Education shall adopt such rules, regulations, and policies as may be necessary and appropriate to define the respective authority, duties, and responsibilities of the state's two-year educational institutions and the Chancellor regarding their respective roles as the employing board.

(c) "Superintendent" shall mean the chief administrative officer of the employing board and shall also include the president of two-year colleges under the control and auspices of the State Board of Education, and other covered institutions.

(d) Persons employed in supervisory positions are deemed teachers for purposes of this act if they possess a certificate and occupy a position for which a certificate is required.

Section 21. Support employee - Defined.

The term "support employee" is deemed to mean and include those persons employed full-time by a county or city board of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind (not to include production workers at the Alabama Industries for the Blind), educational and correctional institution under the control and auspices of the Alabama Department of Youth Services School District, the Alabama School of Mathematics and Science, the Alabama School of Fine Arts in a capacity other than "teacher," as that term is defined in Section 20 of this act, except for employees covered by the state merit system or other similar state statute; and provided further that a teacher who performs additional duties for which the teacher receives supplemental compensation shall not be deemed also to be a support employee as a result of performing those additional duties. Full-time employees are those employees whose duties require 20 or more hours in each normal working week or adults who are employed as bus drivers. Notwithstanding the above, superintendents, assistant superintendents, principals, assistant principals, presidents, vice-presidents, provosts, or other chief administrative officers of employing boards shall not be deemed support employees within the meaning of this act and shall not be eligible for tenure under the terms of this act in that capacity.

Section 22. Criteria for determining teacher tenure.

(a) Any teacher who shall meet the following requirements shall attain tenure:

(1) Such teacher shall have served under contract with the same employing board or college for three consecutive, full school years and be renewed for employment for the next succeeding school year by such employing board or college. Any nontenured teacher shall be deemed offered re-employment for the succeeding school year at the same salary unless the employing board or college shall cause notice in writing to be given to said teacher on or before the last day of the school year in which the teacher is employed, and such teacher shall be presumed to have accepted such employment unless he shall notify the employing board or college in writing to the contrary on or before the fifteenth day of June. The employing board shall not cancel the contract of any tenured teacher, nor cause notice of nonemployment to be given to any tenured or nontenured teacher except by a vote of a majority of its members evidenced by the minute entries of said board made prior to or at the time of any such action.

(2) An instructor who has attained tenure and who is promoted to supervisor shall serve a probationary period of three consecutive years in that position. If the supervisor is not notified of nonrenewal in the position prior to the end of the third school year, the supervisor shall then attain tenure in that position. Such promotion shall in no way jeopardize the tenure of the supervisor as an instructor; and should the promoted instructor not be retained as supervisor, the supervisor's salary would be reduced to the salary paid instructors in accordance with the prevailing salary schedule of the employing board or college. Nonrenewal of a nontenured supervisor and reassignment to an instructor position shall not be deemed a contract cancellation or transfer for purposes of this act.

(3) The first year of employment shall count as a full year for purposes of attainment of tenure only if the teacher is employed by the employing board or college on or before the tenth working day of the second semester or quarter, whichever is applicable, and remains employed through the end of the school year.

(4) No partial teaching service during a school year, as school year is defined by the employing board of education or college, shall count toward the attainment of tenure, except as otherwise provided.

(5) As of the effective date of this act, any person who has attained tenure with an employing board or college shall retain such tenure.

(6) When two or more school systems or colleges are consolidated under one employing board or college, or when one or more schools are separated from a school system in order to become a part of or to constitute another school system, the tenure status of the employees involved in such changes is in no way jeopardized.

Section 23. Criteria for determining support tenure.

(a) A support employee who shall meet the following requirements shall attain tenure:

(1) An employee shall have been employed as a support employee by the same employing board or college for at least nine months in each of three consecutive school years.

(2) During the probationary period specified above, the employing board or college may terminate a support employee by furnishing said employee written notification thereof at least 15 calendar days prior to the effective date of termination.

(3) During the probationary period specified above, the superintendent shall evaluate annually the support employee.

(4) As of the effective date of this act, any nontenured employee who has attained tenure as a support employee with an employing board or college under prior laws shall retain tenure as a support employee in said system.

Section 24. Criteria for determining tenure of a principal.

(a) The term "principal" is deemed to mean and include only those persons certified by the State Board of Education who are employed by an employing board of education as the chief administrator of a school, including a vocational center.

(b) A principal shall attain tenure only in accordance with the provisions of this chapter.

(c) As of the effective date of this act, a principal who has attained tenure as a principal with an employing board under the prior tenure law shall retain tenure as a principal in said system. A tenured principal who has attained tenure previously with an employing board as an instructor or supervisor shall retain tenure as an instructor or supervisor in said system.

(d) As of the effective date of this act, no principal employed by an employing board of education shall attain tenure, except as otherwise provided herein.

(e) A tenured principal may elect nontenured employment with an employing board of education as follows:

(1) A tenured principal shall elect to be employed as a tenured or nontenured principal. The election shall be irrevocable.

(2) No later than two years from the effective date of this act, all currently employed principals shall elect to be employed either as a tenured or nontenured principal. The election is irrevocable, except as otherwise provided by this act.

(3) Employees hired as nontenured first-time principals shall be employed

for a three-year period under a performance-based contract; provided, however, that an employee who has never been employed as a principal may, upon the mutual agreement of that employee and the employing board, be employed as a nontenured principal under a performance-based contract for a three-year period which contains a one-year probationary period. In such instances the remaining two years of the contract shall be contingent upon the receipt of a satisfactory first year evaluation. The performance-based contract shall be developed by the employing board of education, but shall utilize any criteria for the evaluation of a principal developed by the State Board of Education. A currently tenured principal who elects nontenured employment shall receive a \$5,000.00 annual salary increase, funded annually through the Alabama Special Educational Trust Fund and received by the principal as salary, based upon the salary schedule and methodology utilized by the employing board. For each contract year thereafter, the principal shall be entitled to a base salary which is \$5,000.00 more than the salary to which he would otherwise be entitled. The above salary increase shall be in addition to any pay raise granted by either the legislature or the local board of education. Said salary increase shall be considered for purposes of calculating teacher retirement and other benefits which are or may be provided by either the legislature or local board of education. Any currently tenured principal electing nontenured employment shall retain as a part of his salary the \$5,000.00 salary increase regardless of the principal's subsequent employment with another employing board.

(4) The superintendent or designee shall evaluate annually the performance of a nontenured principal. For each year of satisfactory evaluation, the contract of a nontenured principal shall be automatically extended for one school year, as school year is defined by the county or city board of education. The local board, upon the recommendation of the superintendent, may at any time enter into a new three-year contract with a nontenured principal.

(5) In the event of an unsatisfactory evaluation, a conference shall be held with the nontenured principal and a plan of professional development shall be presented by the superintendent to the nontenured principal which specifies the area(s) of unsatisfactory performance and establishes a plan to correct the unsatisfactory performance. A nontenured principal shall complete the plan of professional development prior to the next evaluation. Within seven days of completion of the plan of development, a nontenured principal may request a re-evaluation. If the re-evaluation is satisfactory, then the contract of the nontenured principal shall be extended for one school year. If the results of the re-evaluation are unsatisfactory, then the nontenured principal shall be informed of the reason(s) for the unsatisfactory re-evaluation. In cases where the superintendent performs the initial evaluation, the review shall be performed by a local employee designated by the superintendent. A review of an evaluation shall be completed within 30 days of receipt of request for re-evaluation.

(6) If, within the three-year contract period, a nontenured principal received two consecutive annual unsatisfactory evaluations and the nontenured principal

has completed all plans for professional development, then within seven days of receipt of the second unsatisfactory evaluation, the nontenured principal may file with the employing board an affidavit under oath which alleges facts that the second unsatisfactory evaluation was motivated by personal or political reasons. The investigation of such allegation shall be conducted by the employing board, unless the superintendent or principal objects, in which case the investigation shall be conducted by a person designated by the State Superintendent; provided further, that if the superintendent or principal objects, the investigation shall be conducted by a person designated by the Chairman of the Standards on Excellence Commission. If the investigation finds the allegation to be supported by clear and convincing evidence, then the local board shall designate a professionally qualified person who shall conduct a re-evaluation of the principal within 30 days. If the re-evaluation is unsatisfactory, then the principal may again file an affidavit under oath with the previously identified designee alleging personal or political motivation. If the designated investigator again finds the allegations to be supported by clear and convincing evidence, then the second unsatisfactory evaluation shall be void and a final re-evaluation shall be conducted by the designated investigator. If the final re-evaluation is satisfactory, then the contract of the principal shall be extended for one year. Nothing in this subsection shall be construed to limit other reasons for dismissal of a nontenured principal which are otherwise provided by law.

(7) Any nontenured principal who has received an unsatisfactory annual evaluation and thereafter shall in two successive years receive satisfactory evaluations shall be deemed to have been restored to a three-year contract with his employing board.

(8) A nontenured principal may be transferred or dismissed at any time during the term of the principal's contract by being afforded the hearing rights and procedures outlined herein for any other tenured employee.

(f) All current tenured principals not electing to be employed as nontenured principals shall be deemed to have elected to remain as tenured principals. A tenured principal shall have the opportunity to elect to be employed as a nontenured principal as provided in this act.

(g) For three years after the effective date of this act, an employing board, for periods of time not to exceed 90 days, may allow a tenured principal to elect to change his employment to that of a nontenured principal. The election is irrevocable. Within the three-year period above, the employing board may allow for multiple opportunities for a tenured principal to change his employment to that of a nontenured principal.

(h) As of the effective date of this chapter, an employing board shall not reduce the salary schedule of a principal below the 1992-93 salary schedule level.

Section 25. Duties and Evaluation of Principal.

(a) A principal shall supervise the daily operation and management of personnel, finances, facilities, and other matters of the school or campus for which he is responsible. A principal shall assume the administrative responsibility and instructional leadership, as directed by the superintendent, consistent with the employing board policy, for the planning, management, operation, and evaluation of the education program of the school or campus under the principal's responsibility.

(b) A principal shall make a written recommendation to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or campus under his responsibility. If a recommendation of a principal is rejected, then the principal shall submit a second recommendation. The superintendent shall have final authority for personnel assignments within the school system.

(c) A principal shall observe all rules, policies, and procedures relative to the operation of the public schools as established by applicable laws, rules, and standards of both the State Board of Education and the employing school board.

(d) A principal shall perform all other duties assigned by the superintendent, consistent with the employing board's policy.

Section 26. Contract of employment effective until superseded or cancelled.

The contract of employment of any tenured employee shall remain in full force and effect unless superseded by a new contract signed by both parties, or cancelled as provided in Section 29 of this act.

Section 27. Change of compensation for succeeding year.

The salary or compensation of any tenured employee may be changed for any succeeding year to accord with a general salary schedule adopted by the employing board of education; provided, that no salary schedule shall operate to compensate teachers in less sums than the sums contained in a minimum salary schedule which may be adopted by the State Board of Education for teachers in the public schools or colleges of the state.

Section 28. Transfer of tenured and nontenured employees.

(a) A superintendent may transfer or reassign any nontenured teacher or nontenured support employee at any time, and the transfer shall be effective immediately.

(b) A superintendent may transfer any tenured teacher from one position, school, or grade to another by giving written notice of such transfer, and the reasons therefor, at any time not later than 30 calendar days prior to the commencement of the school year for which the transfer is to be effective. For

purposes of this subsection, the school year shall commence on the first day of attendance by students. The transfer shall be effective at the commencement of the school year. A tenured teacher affected by such a transfer may request a hearing before a hearing officer as provided in Section 30 of this act. The superintendent's decision shall be presumed correct, and shall not be disturbed unless the teacher proves that the transfer was arbitrary, capricious, or based upon personal or political reasons on behalf of the superintendent or employing board. No such transfer shall result in loss of tenure or violation of contract, and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations.

(c) In addition to the transfer procedure specified in subsection (b) above, a superintendent may transfer any tenured teacher from one position, school, or grade to another by giving written notice of such transfer and the reasons therefor at any time not later than ten working days after the commencement of the school year for which the transfer is to be effective. The ten-day period shall begin on the first day of attendance by students. The superintendent shall, before initiating any transfer under this subsection, publish notice of the proposed transfer and a description of the vacancy which will be filled by the transferred teacher. The publication shall be made for a period of not fewer than five working days. If school is in session, such publication shall be made at all relevant schools and other relevant school work sites, and may be by posted notice or by such other means ordinarily used by the superintendent to disseminate information generally to employees; provided, however, if the reason for the transfer is to reduce the number of teacher units in a school or school work site because of student enrollment, the notice need be posted only at the school or school work site from which a teacher is to be transferred. If school is not in session, the publication shall be made by notice posted at the office of the superintendent. Any teacher may volunteer to accept the proposed transfer, and the superintendent shall give due consideration to any such volunteer before transferring a tenured teacher involuntarily. Where the reason for the transfer is to adjust the number or allocation of teachers because of student enrollment, the superintendent shall not transfer a tenured teacher if there is employed in the same school a nontenured teacher whose transfer would reasonably accomplish the superintendent's purpose. Upon expiration of the five-day publication period, but in no event later than the tenth working day as herein provided, the superintendent may effect the transfer of a tenured teacher by giving the required notice. The transfer shall be effective at the commencement of the school year or, if the notice is given after commencement of the school year, upon receipt by the teacher of the notice. A tenured teacher affected by such a transfer may request a hearing before a hearing officer as provided in Section 30 of this act. In proceedings contesting a transfer under this subsection, the superintendent shall bear the burden of proving that there was a sound educational or programmatic reason for the transfer. If the reason for the transfer under this subsection is to adjust the number or allocation of teachers because of student enrollment, the superintendent shall also bear the

burden of proving that the circumstances necessitating the transfer were not known to the superintendent in time to initiate the transfer at least 30 days before the commencement of school. If the transfer under this subsection is for a reason other than to adjust the number or allocation of teachers because of student enrollment, the superintendent shall also bear the burden of proving that the superintendent could not reasonably have known or anticipated the circumstances necessitating the transfer in time to initiate the transfer at least 30 days before the commencement of school. No transfer under this subsection shall result in loss of tenure or violation of contract and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations.

(d) Any tenured teacher transferred under subsection (c) shall be entitled, for a period of two years commencing with the effective date of the transfer, to return to the school from which the teacher was transferred if a vacancy occurs in the field in which the teacher was teaching at the time of the transfer, and the employing board intends to fill such vacancy. If the employing board intends to fill such vacancy, the superintendent shall notify the transferred teacher of the vacancy and, if otherwise qualified at the time for the position, the teacher shall be entitled to return to such position.

(e) A superintendent may transfer a tenured support employee at any time from one job classification, school, or work site to another by giving written notice of such transfer, and the reasons therefor. For purposes of this subsection, "transfer" does not include a reassignment which would cause the employee to work at a facility or site which is located on the same campus or contiguous parcel of real estate as the school or work site at which the employee was previously working. The support employee's "school or work site" shall include all facilities or grounds of the employing board at which the employee works or may be reasonably expected to work as part of the employee's regular job responsibilities. Before initiating an involuntary transfer of a tenured support employee, the superintendent shall publish notice of the proposed transfer and a description of the vacancy which will be filled by the transferred employee. The publication shall be made for a period of not fewer than five working days. Such publication shall be made at all relevant work sites, and may be by posted notice or by such other means ordinarily used by the superintendent to disseminate information generally to employees; provided, however, if the reason for the transfer is to decrease the number of support employees at a school or work site, the notice need be posted only at the school or work site from which a support employee is to be transferred. Any support employee may volunteer to accept the proposed transfer, and the superintendent shall give due consideration to any such volunteer before transferring a tenured support employee involuntarily. Upon expiration of the five-day publication period the superintendent may effect the transfer of a tenured support employee by giving the required notice. The transfer of a tenured support employee shall take effect immediately upon notification by the superintendent, except that the support employee may request for hardship reasons to delay the transfer

for not more than five working days, which request shall not be unreasonably denied. A tenured support employee affected by such a transfer may request a hearing before a hearing officer as provided in Section 30 of this act. The superintendent's decision shall be presumed correct, and shall not be disturbed unless the support employee proves that the transfer was arbitrary, capricious, or based upon personal or political reasons on behalf of the superintendent or employing board. If the superintendent declined to accept any volunteer for the transfer and the support employee contests the transfer on that basis, the support employee shall bear the burden of proving that the superintendent's decision was not reasonable under the circumstances. No transfer under this subsection shall result in loss of tenure or violation of contract, and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations. Nothing herein shall prohibit the superintendent from making a temporary transfer of a tenured support employee, for a period not to exceed ten working days, when the superintendent determines that exigent circumstances require such action.

(f) If a tenured teacher or tenured support employee successfully contests a transfer, such employee shall be entitled to resume his former position at the following times: (1) at the time of the employing board's final decision disallowing the transfer, or (2) at the time of a decision of the Alabama Court of Civil Appeals reversing the action of the employing board if the employing board rejected the recommendation of the hearing officer and permitted the transfer to remain in effect.

Section 29. Cancellation of contract - grounds.

Cancellation of an employment contract of a tenured employee may be made for failure to perform duties in a satisfactory manner, incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of positions, or other good and just cause. Cancellation shall not occur for political or personal reasons. No cancellation shall be initiated against any tenured employee after the expiration of three years from the date such cause became known to the employing board. Provided, however, that evidence of events and circumstances predating the three-year period may be considered if determined by the hearing officer to be relevant.

Section 30. Hearing Procedure.

(a) The following hearing procedure shall be followed for all transfers or cancellations of contracts of tenured employees. No action shall lie for the recovery of damages for the breach of any employment contract of an employee of an employing board.

(b) The superintendent shall initiate all transfers and cancellations of

contracts of tenured employees by giving written notice of the proposed personnel action. The notice shall contain:

(1) a statement of the proposed personnel action and the statutory authority for such action;

(2) a statement of the right to request a hearing and a brief outline of the hearing process and rights of the employee; and

(3) a detailed statement of the reasons for the proposed action.

(c) Service of Notice. The notice may be served in either of the following ways:

(1) personal service, with a copy mailed to the last known address of the employee, or

(2) certified mail, return receipt requested mailed to the last known address of the employee.

(d) Request for Hearing. An employee may request a hearing to contest a proposed action. The request shall be in writing, filed with the superintendent, and received by the superintendent within seven calendar days of the date of receipt of notice of the proposed action. Failure to request a hearing within the above time frame shall constitute a waiver of the opportunity for a hearing and shall cause the proposed personnel action to become final and effective immediately upon approval by the employing board.

(e) Selection of hearing officer.

(1) If a hearing is requested timely, a hearing officer shall be appointed from a roster of hearing officers provided by the American Arbitration Association in accordance with their expedited procedures. All hearing officers shall meet the following requirements:

(i) be experienced and knowledgeable in education and personnel matters or attend training administered jointly by the Alabama Education Association and the Alabama Association of School Boards; and

(ii) shall be a resident of a member state of the Southern Regional Education Board.

(2) It shall be the duty of the superintendent to notify the American Arbitration Association that a hearing has been requested and to whom the rosters should be mailed. Within seven calendar days of receipt of a request for a hearing, the names of seven potential hearing officers shall be furnished by the American Arbitration Association to the parties and any attorney who has filed an

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appearance on the part of a party. If a party has had an attorney file an appearance on their behalf, service of the list of potential hearing officers on that attorney shall be deemed as service on the party. Each party shall within seven calendar days strike no more than two names from the list and notify the American Arbitration Association of the strike(s). The strikes shall be made independently by the parties without reference to any strikes that the other party may choose to make. At the conclusion of the seven calendar day striking period, the American Arbitration Association shall designate a hearing officer from the names that were not eliminated by strikes of the parties.

(f) Conduct of hearing, authority of hearing officer.

(1) The hearing shall commence within 14 calendar days of selection of the hearing officer. The hearing officer shall establish a time and place for the hearing, which shall be held in a suitable site provided by the employing board.

(2) In the conduct of a hearing, the hearing officer shall have authority to:

(i) maintain order;

(ii) cause a record of the proceedings to be made;

(iii) establish reasonable time limits for the conduct of the proceedings;

(iv) rule on the admissibility of evidence, including the number of witnesses to testify for either party;

(v) issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence. Upon request, the hearing officer shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and such witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the same to be paid out of school funds; provided, that the local board shall not be accountable for the witness fees of more than ten of the witnesses subpoenaed by the employee. In case a person refuses to obey such subpoena, the hearing officer may invoke the aid of the circuit court in order that the testimony or evidence be produced; and, upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the hearing officer and produce evidence and give testimony relating to the matter at issue; a person failing to obey the court's subpoena or order shall be punishable by the court as for contempt;

(vi) if necessary, hold a prehearing conference, to be conducted by telephone if appropriate, or issue an order to clarify the matter(s) in dispute; establish the order of presentation; allow and establish time limits for the exchange of exhibits and names of witnesses; and

(vii) enter an order on any other matter which would facilitate the conduct of the hearing, including the suspension, for good cause shown, of any time period established herein.

(3) At the option of the employee, the hearing may be closed to the public; provided, that any board member may attend all or part of a hearing. Attendance in the hearing as an observer disqualifies the board member as a witness at the hearing.

(4) Record of Proceedings.

(i) It shall be the responsibility of the superintendent to maintain the record of the hearing which shall include:

1. the notice of proposed action;
2. the request for a hearing;
3. all evidence admitted during the hearing;
4. a transcript of the proceedings;
5. a statement of all matters officially noticed;
6. all questions and offers of proof, objections, and rulings thereon;
7. the written recommendation of the hearing officer; and
8. the final decision of the employing board.

(ii) The proceedings shall be recorded by a qualified court reporter. The cost of transcription shall be paid by the employing board. The parties shall ensure that the transcript is completed no later than 21 calendar days after conclusion of the hearing.

(5) Costs and expenses. The parties shall bear their own costs and expenses. The parties shall bear equally all costs attributable to the hearing officer.

(6) Expedited Proceedings. In order to expedite the hearing process contemplated by this act, all communications except the initial notice to the employee of the proposed personnel action may be by facsimile transmission or other means of expedited delivery.

(7) Settlement.

(i) Informal dispositions may be made of any matter by stipulation, agreed

settlement, consent order, or by another method agreed upon by the parties in writing. An informal disposition shall be final and binding upon the parties.

(ii) At any time after submission of a request for a hearing, an employee may, in writing, withdraw his request for a hearing. Upon withdrawal, the proposed personnel action shall become final immediately upon approval by the employing board.

(8) Report of Hearing Officer; Employing Board Action.

(i) Within seven calendar days of conclusion of the hearing, the hearing officer shall submit a written report to the employee and the employing board. The report shall include a brief statement of the nature and course of the proceedings; a statement of the reason(s) for the proposed personnel action, findings of fact, and a recommended decision on the proposed personnel action. If the employee contends that procedural errors have occurred in the proceedings which have substantially prejudiced his rights, the hearing officer's report shall include appropriate findings of fact relating to that contention, and a recommended disposition.

(ii) Within 14 calendar days of receipt of the record of proceedings compiled to that point, the employing board shall render its final decision. The employing board shall not be bound by the proposed decision submitted by the hearing officer; however, the findings of fact of the hearing officer shall be accorded a presumption of correctness. The final decision of the board shall be in writing. If the board determines that facts found by the hearing officer are against the great weight of the evidence and clearly erroneous, the board may reject those findings, in which case it shall state in writing its own findings of fact. If the employing board does not accept the hearing officer's recommendation on the proposed personnel action, the employing board shall render its independent decision in writing. If the board chooses to accept the recommendation of the hearing officer, it shall so state in writing. Nothing herein shall preclude the employing board from ordering a disposition other than that recommended by the superintendent.

(iii) The final decision of the employing board shall be served upon the employee in the same manner as service of a notice of a proposed personnel action. Except as otherwise provided in this act, the employing board's decision shall be final as of the day of its adoption.

(iv) In contract cancellation proceedings, the employee shall be removed from the payroll and the employee's salary cease at the time of the employing board's final decision cancelling the employee's contract. If the employing board accepts the recommendation of the hearing officer, but is later reversed, the employee shall be entitled to reinstatement and back pay. If the employing board rejects the recommendation of the hearing officer, and is later reversed, the employee shall be entitled to reinstatement, back pay, and interest at 9 percent per annum thereon.

Section 31. Appeal of Final Decision of Employing Board.

(a) A tenured employee may appeal the final decision of an employing board only to the Alabama Court of Civil Appeals. The appeal shall be filed within 14 calendar days of the employing board's final decision. The appeal will be perfected by filing a written notice of appeal with the superintendent, who shall transmit the notice and the record of proceedings to the Clerk of the Alabama Court of Civil Appeals within 14 calendar days of receipt of the notice of appeal. Failure by the employee to file a timely notice of appeal shall result in the employing board's decision becoming final, and failure by the superintendent to transmit timely the notice and record of proceedings shall result in a decision in favor of the employee.

(b) On appeal, the findings of fact of the hearing officer shall be entitled to a presumption of correctness. If the employing board has rejected some or all of the hearing officer's proposed findings, and has substituted its own findings, the findings by the employing board are not entitled to a presumption of correctness, but the appellate court shall consider the employing board's findings in determining whether the findings of fact of the hearing officer are clearly erroneous. The employing board's decision on the proposed personnel action will be affirmed unless the decision (1) does not have substantial support in the facts as determined by the hearing officer, or, if the hearing officer's findings are determined to be clearly erroneous, in the facts established in the record as a whole; or, (2) is in violation of constitutional or statutory provisions; or, (3) is in excess of the statutory authority of the employing board; or, (4) is in violation of any pertinent, duly adopted policy of the employing board which violation worked to the substantial prejudice of the employee; or, (5) is made upon irregular or unlawful procedure which worked to the substantial prejudice of the employee; or, (6) is unreasonable, arbitrary, capricious, or characterized by an abuse of discretion; or, (7) would result in a disposition of the personnel matter which would be plainly unjust.

Section 32. Cancellation of Contract by Employee.

No employee, whether or not tenured, shall be permitted to cancel his contract during the school year for which said contract is in effect, nor for a period of 45 days prior to the beginning of such school year, unless such cancellation is mutually agreed upon; or unless such employee has been notified of a transfer fewer than 30 days prior to the first day of attendance by students. Any teacher cancelling his or her contract in any other manner than in this section shall be deemed guilty of unprofessional conduct, and the state superintendent of education is hereby authorized to revoke or suspend the certificate of said teacher.

Section 33. Effect of Leave of Absence on Tenure.

(a) Leave of absence for a period of one year for good cause may be granted to a tenured employee by the employing board of education without the

impairment of the tenure status of an employee; provided, that for valid reasons the board may extend the leave of absence for one additional year; and provided further, that upon the request of an employee who has heretofore or who shall hereafter enter the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, a leave of absence shall be granted to such employee for the duration of the war and until the beginning of the school year next succeeding the date on which said employee is released from said military service; and, on or before such date, said employee must give written notice to the employing board of education whether or not he desires to be reemployed by said board. If such notice is not received by the employing board of education, or if the employee notifies the employing board on or before the date specified above that he does not desire re-employment, the employing board has no further responsibility with respect to re-employment of said employee. The term "military service of the United States," as used herein, shall include the Army of the United States, the United States Navy, the United States Air Force, the Marine Corps, the Coast Guard, the Army Specialist Corps, the Women's Army Auxiliary Corps and the Women's Volunteer Reserve of the United States Navy, those persons commissioned in the public health service, or those persons entering into the service of any similar organization heretofore or hereafter formed by the government of the United States.

(b) A nontenured employee entering the military service of the United States who has accumulated one or more school years of experience with an employing board of education immediately prior to entering military service shall be given credit for such experience with the employing board of education in attaining tenure, if such employee is re-employed by said board of education within one year after the release of that employee from military service.

Section 34. Repeal of Fair Dismissal Act.

All provisions of Alabama Code Sections 36-26-100 through 36-26-108, Code of Alabama, 1975, are hereby repealed.

Section 35. Abolition of Boards of School Trustees.

(a) Section 16-10-1 through 16-10-11, Code of Alabama, 1975, are hereby repealed.

(b) Any board of school trustees currently in existence is hereby abolished. All books, records, and funds maintained or held by any board of school trustees currently in existence shall be delivered without delay to the principal of the school.

Section 36. All cases involving tenure or continuing service status under Title 16, Chapter 24, Code of Alabama, 1975, as amended (Teacher Tenure Law) and Title 36, Chapter 26, Code of Alabama, 1975, (Fair Dismissal Act), in which notice of proposed cancellation of contract or transfer was served on the affected

employee prior to the effective date of this act shall proceed under the laws, procedures and rules in said statutes as if said statutes remained in effect. By written agreement, which shall be included in the record of proceedings, the tenured employee and the superintendent may elect after the effective date of this Act to proceed instead under the provisions of this Act.

Section 37. Class 1 Municipalities - Elected City Boards.

(a) The city board of education of any Class 1 municipality shall consist of nine members who shall be elected from the nine single-member districts established for the election of members of the city governing body by a majority of the electors residing in each district.

(b) Each board member shall have been a resident of the district from which elected for at least one year at the time of election and shall continue to be a resident during the term of office.

(c) The method and dates for qualifying as a candidate for the city board of education and the conduct of elections shall be the same as for the election of the city council, including the provisions for second elections when no candidate obtains a majority of votes in the first election. The initial elections held under this section shall be set by the city council of the Class 1 municipality at the first city council election held after 90 days following final approval of this act by the United States Department of Justice.

(d) Members of the board of education shall take office immediately following certification of their elections. Terms of office shall be for four years. Members may succeed themselves once, and after one term may seek office again.

(e) Vacancies occurring on the board shall be filled by appointment of a resident of the district from which the vacancy occurred by a majority of the remaining members of the board. At the next municipal election, the position shall be filled for the remainder of the term. If a member moves outside the district, the position shall be vacant and shall be filled as provided for vacancies. The changing of district lines by reason of redistricting to conform to the last Federal Decennial Census shall not be deemed to cause a vacancy during a term of office.

(f) The provisions of this section are supplemental and shall be construed in pari materia with other laws applicable to city boards of education and any Class 1 city board of education; however, those laws or parts of laws in direct conflict or inconsistent are superseded to the extent that they may be constitutionally superseded by this section.

Section 38. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 39. All laws or parts of laws that conflict with this act are hereby repealed.

Section 40. This act shall be effective for all fiscal years or periods beginning after September 30, 1992, if the constitutional amendment proposed by House Bill 252 of the 1992 regular session has been ratified by the people and proclaimed by the Governor as required by law.

Amend the substitute for H. 221 on page 15, lines 9 and 24 by striking the figure "15,000" and by substituting in lieu thereof the figure "14,000".

Amend the substitute, as amended, for House Bill 221, on page 45, line 27 add the following new section, and renumber all remaining sections accordingly:

"Section 38. Rename The Alabama Special Educational Trust Fund.

"The name of the 'Alabama Special Educational Trust Fund' is hereby changed to the "Education Trust Fund." All references to the "Alabama Special Educational Trust Fund" or the "Alabama Special Education Trust Fund" contained in the Code of Alabama are hereby changed to the "Education Trust Fund." All other laws, rules, regulations, and legal references of any and all kinds to the "Alabama Special Educational Trust Fund" or the "Alabama Special Education Trust Fund" shall henceforth be changed to the "Education Trust Fund."

Further amend the title of House Bill 221 on page 5, line 8, add the following after the word "terms;": and to rename the Alabama Special Educational Trust Fund to the "Education Trust Fund,"

Amend House Bill 221, on page 16, line 13, by adding the following new sentence: "After the effective date of this act, newly created city school systems shall compensate the county school system from which the city system was created for the costs of all property which is to be transferred to the city system. The costs of the property shall be mutually agreed upon by both county and city systems before the transfer of property is to become final."

Amend the substitute, as amended, for House Bill 221 on page 19, lines 23 and 24 as follows:

By deleting the following phrase: "The Alabama School of Fine Arts, and the Alabama School of Mathematics and Science"

Further amend the substitute, as amended, for House Bill 221 on page 19 line 36 by deleting the word "and"

Further amend the substitute, as amended, for House Bill 221 on page 20 line 5 by deleting "the Alabama School of Mathematics and Science".

Further amend the substitute, as amended, for House Bill 221 on page 20, lines 19, 20, and 21 by deleting the following phrase: "the Board of Directors of the Alabama High School of Mathematics and Science; and the Board of Directors of the Alabama School of Fine Arts;"

Further amend the substitute, as amended, for House Bill 221 on page 21, lines 20, 21 and 22 by deleting the following phrase: "the Alabama School of Mathematics and Science, the Alabama School of Fine Arts".

Amend the substitute, as amended, for House Bill 221 on page 9, line 33 by striking the term "four" and by inserting in lieu thereof the term "six".

Amend the substitute, as amended, for House Bill 221 by inserting the following on p. 24 Line 33 after the period "A principal selecting nontenured status shall be given a three (3) year contract."

Amend the substitute, as amended, for H. 221 on page 8, line 29, after the word "Boards", by deleting the following: ~~and/or any other such organization which shall be approved by the State Board of Education.~~

Further amend the substitute, as amended, for H. 221 on page 14, line 8, after the word "Boards", by deleting the following: ~~and/or any other such organization which shall be approved by the State Board of Education.~~

Amend the substitute, as amended, for House Bill No. 221 Page 15 Line 17, as follows:

Delete the language "March 1" and insert in lieu thereof the following language: "October 1"

Amend the substitute, as amended, for H. 221 on page 44 after line 19 by inserting a new Section 37, and renumbering all subsequent Sections accordingly, as follows:

"Section 37. "(A) The Personnel Control Reform Committee is created. The committee shall consist of the following five members:

- (1) The Governor or his or her designee.
- (2) The Director of Finance or his or her designee.
- (3) The State Personnel Director or his or her designee.

(4) The Chair of the Committee on Ways and Means of the House of Representatives or a designee of the chair who is a member of the House of Representatives.

(5) The Chair of the Committee on Finance and Taxation of the Senate or a designee of the chair who is a member of the Senate.

"(B) (a) The committee shall commence the performance of its duties on June 1, 1992.

(b) The committee shall hold its initial meeting by July 10, 1992. Subsequent meetings shall be held within the first 10 days of the beginning of each month. A meeting shall not be required if the State Personnel Department notifies the committee that no listings of hirings or request for new personnel positions were received by the department from the State Department of Education by the 25th day of the preceding month. Public notice of all meetings shall be given by the department at least four business days prior to the convening of the meeting. The notice shall be in the form prescribed by the committee.

(c) Each legislative member of the committee shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. The allowances, expenses, and compensation of legislative members of the committee shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by a member of the committee. No legislative member shall receive additional compensation or per diem when the Legislature is in session or if a legislative member is being paid any other payments on the same dates for attendance of other state business. Other members of the committee shall not receive compensation for attending meetings of the committee.

"(C) (a) The committee shall review each request of the State Department of Education to establish a new personnel position funded from state or federal funds including, but not limited to, requests regarding new personnel positions for classified, unclassified, temporary, contract, part-time, or exempt employees. The committee, after a review, shall determine if a new personnel position should be created by the State Department of Education.

(b) Effective June 1, 1992, the State Department of Education shall not establish or fill a new personnel position without the approval of the committee. Prior to the establishment of a new personnel position, each of the following procedural requirements shall be followed:

(1) The State Department of Education shall submit the request for a new personnel position to the State Personnel Department by the 25th day of the month preceding the month in which a meeting of the committee is conducted at which the request will be addressed.

(2) The State Personnel Department shall deliver the request to the committee for review.

(3) The committee shall disapprove or approve the request and written notice of the decision of the committee shall be provided to the State Department of Education. The department shall prepare and provide the notice to the State Department of Education within five business days of the decision of the committee.

"(D) Effective June 1, 1992, the State Department of Education shall submit a list of all employees hired by the agency to the State Personnel Department by the 25th day of the month in which the employee was hired. If an employee is hired after the 25th day of a month, the employee shall be included by the department in the list submitted in the next month. The list shall include classified, unclassified, exempt, temporary, part-time, and contract employees hired by the agency since the previous meeting of the committee. The department shall provide the list of all new hirings to the committee. The State Department of Education, if requested by the committee, shall provide additional information concerning the hirings to the committee. The committee shall review all personnel hirings of the department.

Annually thereafter, the committee shall make a report by the 10th legislative day of each regular session to the Legislature and the Governor regarding the status of the workforce of the State Department of Education.

On page 43, line 29, after the period insert the following language:

(C) Notwithstanding any provision of law, or rule or regulation to the contrary, no direct employee of the Department of Education shall be subject to or covered under the State Merit System or the Alabama Tenure Law within two (2) years after the effective date of this act, and within the same years the total number of employees employed by the Department of Education shall be reduced by 25 percent. The State Superintendent of Education shall issue monthly reports to the Legislature relating to the reduction of employees until the 25 percent reduction is achieved.

Amend House Bill 221, on page 45, by adding the following new section:

"Section 38. Notwithstanding any law to the contrary, cities having elected boards of education on the effective date of this Act, whether established by local act or otherwise, shall continue to have elected boards as established and constituted, and provisions pertaining to the dates of elections, the conduct of elections, and other pertinent provisions shall continue in effect. All laws relating to elected city boards of education which were in effect prior to the passage of this Act, whether by local act or otherwise, are hereby ratified and confirmed."

And renumber all remaining sections accordingly.

Further amend House Bill 221 in the title on page 5, line 8, after the word "terms" add the following: "and to validate and confirm existing elected city boards of education,"

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Amend H. 221 on page 8 by deleting lines 22 through 26 in their entirety and inserting in lieu thereof the following:

"(b) Board members shall be qualified electors and, after"

Further amend on page 13 by deleting lines 33 through 36 and page 14 by deleting line 5 in their entirety and inserting in lieu thereof the following:

"(b) The members of such city board of education, who shall, except as hereinafter provided, serve without compensation, shall be qualified electors, and after appointment or election, successfully"

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, McDaniel, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Harper, Clark (J) and Campbell.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 615. To further provide for the privilege tax on nursing facilities and hospitals and to amend Sections 40-26B-20, 40-26B-21, 40-26B-25, 40-26B-40, 40-26B-41, 40-26B-43, and 40-26B-45, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 225. To authorize the Alabama Commission on Higher Education to develop a tuition loan program for talented residents to attend a postsecondary institution for the sole purpose and intent of becoming a certified teacher employed in critical need areas of the state.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 225, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 225 on Page 1, Line 25 by inserting after the word "and" the following word: "or".

Further amend House Bill 225, on Page 1, Line 35, by adding the following language: "The Alabama Commission on Higher Education shall develop qualifications and standards that applicants must meet in order to apply for a tuition loan under said program."

Further amend House Bill 225 on Page 2, Line 14 by inserting after the word "program" the following language: "and the proposed qualifications and standards necessary for application for such loans."

Amend House Bill 225, on Page 2, Line 16, as follows: by deleting the word "shall" and inserting in lieu thereof the word "may".

Amend House Bill 225 on page 1, line 39 after the period by inserting the

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following: "The State Board of Education shall annually, on or before the second day of each Regular Session, submit its list of areas of critical need to the Legislature for approval."

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 227. To provide for a Commission on the Governance of Higher Education which will present a proposal to the legislature by February, 1993; to prescribe its composition, duties, and dissolution.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 227, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend H. 227 as engrossed on page 2 line 29 following the period "." by

inserting the following: "The Commission shall utilize the staff expertise and the information available from the Alabama Commission on Higher Education."

On page 2, on line 25, after the word "campuses" insert: or "programs."

Amend H. 227 as engrossed on page 1 line 38 following the period "." by inserting the following sentence: "The Commission shall recognize the role, scope and mission of the traditionally black institution of higher education."

On Page 3, after line 3 insert the following new Section 10 and renumber subsequent sections accordingly:

Section 10. No new campus, building, or extension shall be created or constructed by any institution of higher education without the approval of the Legislature. The approval of the legislature may be by joint resolution.

On page 1, on line 19, after the word "act" insert: , and to require legislative approval prior to the adding to a new campus, building or extension by an institution of higher education.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Warren and Willis.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 228, without the Governor's signature and approval, but with the following Executive Amendment.

Done this 21st day of April, 1992.

Respectfully submitted,

G. DENNIS NABORS
Executive Secretary/
Chief of Staff

MESSAGE FROM THE GOVERNOR

To The House of Representatives
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 228, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 228:

Please amend House Bill No. 228 on page 1, line 12 by deleting "16-55-5," and by deleting "and to repeal Section 16-55-5".

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 21st day of April, 1992.

Respectfully,

GUY HUNT
Governor

GOVERNOR'S MESSAGE

On motion of Representative Venable, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 228, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 229. To amend Sections 16-5-8 to 16-5-10, inclusive, Code of Alabama 1975, relating to the Alabama Commission on Higher Education, to prescribe further powers and duties.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the House non-concurred in the Senate amendment to the bill, H. 229, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 16-5-8, 16-5-9, and 16-5-10, Code of Alabama 1975, relating to the Alabama Commission Higher Education, so as to provide for a uniform articulation agreement among all institutions of higher education; an examination for rising juniors and students receiving certificates, diplomas or degrees from two-year institutions; a remedial education program; guidelines for new construction; program viability standards; a moratorium on new institutions of

higher education or new branches of existing institutions of higher education; and a mechanism whereby the commission will not recommend budgets which violate these facility guidelines.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-8, Code of Alabama 1975, is amended to read as follows:

"§16-5-8.

"(a) The commission on higher education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and state Legislature, its recommendations.

"(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research, or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor, and the Legislature that would strengthen the total program of higher education in the state.

"(c) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any such plan submitted to the commission, or its staff, however, and not receiving final action by the commission within 10 months of submission shall be considered approved. The term 'new unit of instruction,' includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs; and the The commission may, under its rulemaking power, define the character of such the reasonable extensions and alterations.

"(d) The commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this chapter whose fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint

meeting of the education committees of the house and senate no later than the fifth legislative day of the 1981 regular session of the Legislature. In making ~~such~~ the recommendation, the commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of ~~such~~ the time, it shall be mandatory that the president of the senate and the speaker of the house shall in their respective houses call for a recorded vote. ~~Such~~ The resolution by simple majority of both houses is required to affirm a commission recommendation. No more than one branch shall be continued or terminated in one resolution.

"(e) In order to facilitate the development of a statewide articulation agreement, the Alabama Commission on Higher Education and the state Board of Education shall jointly develop or select by January 1, 1993, a computerized advisement system for students which shall include comprehensive undergraduate program and course information for all two-year and four-year institutions of higher education. All two-year and four-year institutions in the state must participate in this system and the system must be operational by September 1995. This system shall ensure students at each two-year institution, accredited by the Southern Association's Commission on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to such four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall be treated by the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting program shall be included in the official catalog of each institution of higher education.

"In addition, there is created an articulation committee which shall consist of ten members composed as follows: two representing the state's regional universities, three representing the state's two-year colleges (ONE OF WHOM SHALL BE BLACK), one representing each of the following: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, and Alabama A&M University, and the Executive Director of the Alabama Commission on Higher Education shall serve as a nonvoting member.

"Unless provided by the governing board of the respective institution, the representatives to the articulation committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State

University, and Alabama A&M University shall each select the representative of their institutions on the committee. It is the intent of the Legislature that women be represented on the committee. This committee shall develop no later than September 1, 1996, a statewide general studies curriculum to be taken during the freshman and sophomore years at all colleges and universities. Nothing herein shall be interpreted as restricting any institution from requiring additional general studies courses beyond the statewide general studies curriculum.

"This committee shall also develop and adopt no later than September 1, 1997, for the freshman and sophomore year, a statewide articulation agreement for the transfer of credit among all public institutions of higher education. Under this articulation agreement, all applicable credits transferred from a two-year institution to a four-year institution shall be treated by the four-year institution as if they were earned at the four-year institution. The committee shall further examine the need for a uniform course numbering system, course titles, and descriptions.

"A four-fifths vote of the entire voting membership of the committee will be required for the adoption of the articulation agreement. Upon adoption of the articulation agreement, this committee shall continue its duty and authority prescribed herein. The committee shall meet at least annually, or at other times as convened by the chair. The committee shall elect annually a chair from its membership. Chairmanship of the committee shall rotate annually between a representative of the four-year institutions and representatives of two-year institutions.

"In case of problems in the administration or interpretation of the articulation agreement in the two-year institutions, the State Board of Education shall present the problem to the articulation committee for resolution. In case of problems in the administration of the articulation agreement in the four-year institution, the Alabama Commission on Higher Education shall present the problem to the articulation committee for resolution. The decision of the committee shall be final and binding.

"The budget recommendation of the commission shall not include an appropriation for institutions of higher education violating the stipulations of this section.

"(f) The State Board of Education, on behalf of the two-year institutions and each four-year institution, shall develop an examination for academic programs only for rising juniors and, in the case of the two-year institutions, for students completing all the requirements for an associate degree. The sole purpose of the examination shall be to identify and cause to be developed and institutional plan to improve the quality of instruction in the identified general studies curriculum. The examination so developed shall cover the subject areas identified as basic general studies curricula content. Examinations developed by the individual institution shall be administered by the institution after the test has been developed by the institution and mutually agreed upon by the institution and the Alabama

Commission on Higher Education. Upon implementation of the examinations by the various institutions, an annual report of the analysis of the results of the examinations shall be submitted by each governing board to the Alabama Commission on Higher Education and the Legislature.

"(g) In those situations where any public two-year and four-year institution determines remedial education is necessary for the advancement of certain students, that institution shall provide quality remedial education in a cost-effective manner. Each public two-year and four-year institution shall report annually to the Alabama Commission on Higher Education the remedial credit hours produced.

"(h) (1) The Alabama Commission on Higher Education, jointly with the Council of College and University Presidents in the case of four-year institutions, and jointly with the State Board of Education in the case of two-year institutions shall, by February 1994, develop guidelines which shall be met before approval of new construction projects, including substantial expansion of existing facilities or the acquisition of existing facilities by purchase, or lease, other than lease renewal, by public institutions of higher education. Facilities funded from sources other than the Alabama Special Educational Trust Fund, the Alabama General Fund, or an Alabama Public School and College Authority Board issue are exempt from these guidelines. If the Alabama Commission on Higher Education, jointly with the Council of Colleges and University Presidents in the case of the four-year institutions, and jointly with the State Board of Education in the case of the two-year institutions, determines that the projects and acquisitions do not meet the guidelines, those projects and acquisitions shall not be recommended for funding in the budget recommendation of the Alabama Commission Higher Education. In the event that any party to the above determination believes that the guidelines have been violated, that party may then notify the Legislature of said violation.

"(2) Notwithstanding the foregoing, those institutions for which corrective action to upgrade physical facilities has been ordered by a federal court, including the cases of Knight et al. vs. Alabama and Lee vs. Macon, are exempt from these guidelines; provided, however, in cases where projects are funded solely from tuition and fees, such projects shall be reported to the Alabama Commission on Higher Education. If the Alabama Commission on Higher Education believes that said projects are in violation of the guidelines, it shall notify the Legislature of its objections by the tenth legislative day of the next regular or special session of the Legislature. If the Legislature fails to concur with the Alabama Commission on Higher Education by the passage of a law prohibiting said project prior to the end of said session, the decision of the governing board of the institution shall be final.

"(i) The Alabama Commission on Higher Education, jointly with the Council of College and University Presidents in the case of four-year institutions, and jointly with the State Board of Education in the case of two-year institutions, shall, by February 1994, develop proposed program viability standards, which take into account the missions of the individual institutions, for the evaluation of existing programs of instruction at all public institutions of higher education. Upon devel-

opment of said proposed program viability standards as set out above, the proposed program viability standards shall be voted upon and adopted by the boards of trustees of the public colleges and universities, except in situations in which variances from said standards are deemed to be necessary. In those instances, the board of trustees shall negotiate such variances with the Alabama Commission on Higher Education. In the event that no settlement regarding such variances can be reached, the Legislature shall be notified that the institution does not meet program viability standards.

"(f) (j) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the Legislature for any new unit or program of instruction, research or public service denied approval by the commission, in which case the action of the Legislature, when approved by the governor or otherwise upon becoming law, is final.

"(f) (k) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation."

Section 2. Section 16-5-9, Code of Alabama 1975, is amended to read as follows:

"§16-5-9.

"(a) The governing boards of the public institutions of higher education shall submit to the commission through their appropriate administrative officers, not later than 90 days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

"(b) The commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this state, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, ~~provided that nothing~~ Nothing herein shall be construed to prohibit any institutions of higher education in

this state from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the governor at any time. Consistent with the provisions of Section 16-5-8(h) as set out above, funding for the acquisition, operation, and maintenance of facilities which do not meet the established guidelines shall not be recommended for funding in the commission's unified budget recommendation.

"(c) There is hereby established, and the commission shall enforce, a moratorium on new public institutions of higher education or new branches of existing public institutions of higher education for a period of not less than ten years. The Legislature may continue the moratorium for a specified period of time by the passage of a joint resolution and with the approval of the governor. An existing two-year institution, upon the approval of the State Board of Education, may merge with an existing two-year or four-year institution, upon the approval of the State Board of Education in the case of the two-year institution, and the approval of the board of trustees of the four-year institution. In the case of any two-year institution newly formed into a four-year institution, the institution will report directly to the university system's Board of Trustees and seek its own operation and maintenance (O&M) funding from the Alabama Legislature.

Section 3. Section 16-5-10, Code of Alabama 1975, is amended to read as follows:

"§16-5-10.

"The commission shall exercise the following powers and duties in addition to those otherwise specified in this chapter:

"(1) To cause to be made surveys and evaluations of higher education ~~as~~ are believed necessary for the purpose of providing appropriate information to carry out ~~its~~ the powers and duties of the commission.

"(2) To recommend to the Legislature of Alabama the enactment of ~~such~~ legislation it deems necessary or desirable to insure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

"(3) To advise and counsel the governor, at his or her request, regarding any area of, or matter pertaining to, ~~postsecondary education~~ public higher education.

"(4) To establish definitions of the public institutions of higher education, including but not limited to, definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; ~~provided, that nothing~~ Nothing herein shall be construed as authorizing the commission to establish or create any university system, nor to alter any university system presently existing.

"(5) To develop and publish criteria which may be used by the Legislature as a basis:

"a. for changing the classification of any public institution of higher education; and

"b. for determining the need for new public junior colleges, public senior colleges, universities or university systems.

"Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing committee considering ~~same the proposal~~, to the commission for its opinion as to the need ~~for the state therefore therefor~~, and the commission shall report its findings to the governor and the Legislature.

"(6) There is hereby established, and the commission shall enforce, a moratorium on new public institutions of higher education or new branches of existing public institutions of higher education for a period of not less than ten years. The Legislature may continue the moratorium for a specified period of time by the passage of a joint resolution and with the approval of the governor. An existing two-year institution, upon the approval of the State Board of Education, may merge with an existing two-year or four-year institution, upon the approval of the State Board of Education in the case of the two-year institution, and the approval of the board of trustees of the four-year institution. In the case of any two-year institution newly formed into a four-year institution, the institution will report directly to the university system's Board of Trustees and seek its own operation and maintenance (O&M) funding from the Alabama Legislature.

"(6) (7) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend ~~such~~ changes in classification or role and scope for ~~such the~~ institutions as it deems necessary and which may be agreed to by the governing board of the institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

"(7) (8) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

"(8) (9) To make continuing studies, on its own initiative or upon the request of the governor or the Legislature, of the financial needs of public higher education and issue such reports to the governor and the Legislature as may result from its studies.

"(9) (10) To submit to the governor and the Legislature on or before the first day in January of each year a written report covering the activities of the commission and the state of higher education in Alabama. The report shall include:

"a. Statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

"b. Comments upon major developments, trends, new policies, budgets and financial considerations which, in the judgment of the commission will be useful in planning a sound program of higher education; and

"c. Recommendations respecting ~~postsecondary education~~ higher education in this state as may be appropriate.

"(10) (11) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this chapter.

"(11) (12) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the state.

"(12) (13) To conduct a program of public information in order to inform citizens of the state of matters of importance to higher education in Alabama.

"(13) (14) To serve as the state agency for the administration of those titles of the Higher Education Act of 1965 (Public Law 89-329), as amended, for those programs requiring a single state agency for which the commission qualifies, unless otherwise designated by executive order.

"(14) (15) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the commission. The commission under its rulemaking authority shall establish criteria for the approval of such institutions and programs.

"(15) (16) The powers and duties of the commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution of Alabama of 1901, or by statutes."

Section 4. Nothing in this act shall be interpreted or used in any way to

discourage or impede the efforts or abilities of the historically black institutions or their officials to carry out the mandates and objectives of federal court decrees and to provide equal access for all citizens of Alabama to full benefits of higher education.

Section 5. It is the intent of the Legislature that all two-year and four-year institutions of higher education in the state comply with the intent of this act and the guidelines developed pursuant to it (unless otherwise exempted by this act). In the event of noncompliance by any institution governed by a board of trustees established by the Constitution no other two-year or four-year institution shall be required to comply. The Alabama Commission on Higher Education shall notify the Legislative Council, the governing body of each four-year institution, and the State Board of Education within 30 days of any failure to comply with this act or guidelines.

Section 6. Pursuant to Sections 16-5-7 and 16-5-8 of the Code of Alabama 1975, the Alabama Commission on Higher Education shall make regular reports to the Legislature regarding the implementation of this act.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the governor as required by law.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend House Bill No. 229 on Page 11 Line 6, as follows: by removing the "." after the word institution and inserting in lieu thereof ";" and adding the following; "Provided, however, no such merger shall be approved by the State Board of Education unless prior thereto a resolution approving such merger shall have been passed by every four year college or university Board of Trustees of every institution having its main campus within the same or any county where either of the institutions involved in the proposed merger have a full or part-time campus or otherwise offer courses of instruction.

Amend House Bill 229 as substitute on page 13, line 2 by adding the following language: "Within five (5) years from the effective date of this act, all junior colleges and community colleges in the state shall affiliate with a four-year institution of higher education. Said junior or community college shall remain a two-year institution but shall be under the auspices of the Board of Trustees of the affiliate four-year institution."

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 233. To establish the Alabama Commission to Study the Tax Burden on Alabama Citizens with Low Income; to require the Legislative Fiscal Office and Alabama Department of Revenue to conduct a Tax Burden Study and to assist the Commission created herein; to provide for the powers and duties of said Commission; to provide for the severability of the provisions hereof; and to provide for an effective date.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 233, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 233, on Page 6, Line 20, as follows:

By deleting the word "Commission" and inserting in lieu thereof the words "Department of Revenue".

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Further amend House Bill 233 on Page 6, Lines 22 and 23, after the word "taxpayer" by inserting a period and deleting the remainder of Lines 22 and 23 in their entirety.

Amend House Bill 233 on Page 1, Line 35, by deleting the number "15" and inserting in lieu thereof the number "17".

Further amend House Bill 233, on Page 2, after Line 13, by adding the following language:

"9. One member shall be appointed by the Alabama State University Board of Trustees, which person shall be a member of the faculty of that university.

10. One member shall be appointed by the Alabama A&M University Board of Trustees, which person shall be a member of the faculty of that university."

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 234. To establish the Commission on Economy and Productivity to study and analyze the operation and administration of each agency of state government to determine the means, methods, and manner by which the services of the state may be afforded to the citizens in the most efficient, expeditious, and economical

manner; to provide for the appointment, term of office, payment of expenses, functions, and duties of the members of the commission, to provide for a Legislative Oversight Committee; and to provide for a conditional implementation.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 234, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To direct the director of finance to establish a division of management improvement to study and analyze state government in order to ascertain the means, methods, and manner by and in which the services of the state of Alabama may be afforded to the citizens in the most efficient, expeditious, and economical manner.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The director of finance shall establish within the department of finance the division of management improvement. The functions and duties of the division of management improvement shall be as follows:

- (1) To promote economy, efficiency and effectiveness in state government.
- (2) To provide management analysis services, acting as facilitator or process advisor with agency or departmental staff.
- (3) To provide information and recommendations to the governor and legislature when requested.
- (4) To provide training in the methods and techniques of effective supervision.
- (5) To perform such other functions and duties as may from time to time be assigned by the director of finance.

Section 2. The division of management improvement shall be headed by

and under the direction, supervision, and control of an officer who shall be designated the director. The director may be employed from within or without the classified service; such director shall be appointed by and serve at the pleasure of the director of finance, with the approval of the governor. The director shall be entitled to the same benefits as any person in the classified service.

Section 3. The director of finance may employ, subject to the provisions of the state merit system, such additional employees as may be needed, and fix their compensation in accordance with the merit system pay plan.

Section 4. The division of management improvement may, with the approval of the director of finance, accept monetary grants from public and private sources for the improvement of management in state government and expend those funds for the specific grant purpose.

Section 5. A total quality management improvement (TQM) program shall be implemented in each department or agency of state government, provided however, the provisions of this section shall be effective only to the extent that funds are appropriated for this purpose.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This act shall be effective for all fiscal years or periods beginning after September 30, 1992, if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session is ratified by the people and proclaimed by law.

Amend H. 234 as substituted on page 2 line 13 after the comma "," by inserting the following: "subject to the approval of the Legislative Joint Fiscal Committee and"

Also:

Further amend on page 2 after line 16 by inserting a new sentence: "The director of finance shall meet with the Joint Fiscal Committee at least every four years to review and justify the work of the division and the number and salaries of the employees within said division."

On page 2, after the second line, insert the following as a new subsection (5) and renumber existing subsection (5) as subsection (6):

(5) To establish a policy to review annually any outstanding warrants and to cancel any warrants that have not been submitted for payment within 180 days of

the date of issuance with the moneys reverting to the fund from which the warrant was drawn.

Amend House Bill 234 on page 2 by deleting Section 4 in its entirety and renumbering all subsequent sections accordingly.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 240. To modify the tax imposed on the net income of individuals, trusts, estates, by repealing Code of Alabama (1975) Sections 40-18-1 through 40-18-39, 40-18-41 through 40-18-49, 40-18-51, 40-18-52, 40-18-54, 40-18-55, 40-18-57 through 40-18-76, 40-18-78, 40-18-81 through 40-18-85, and 40-18-120 through 40-18-176; to provide for the determination of net income subject to income tax; to provide for the types and categories of income exempt from said tax; to provide for the imposition of an income tax based on federal taxable income with modifications; to provide transitional rules and elections to reflect differences between prior Alabama and federal law; to provide for the treatment of certain corporations electing to be taxed as S corporations; to provide for the collection of the tax by payment with returns, by withholding from salaries and wages, and by estimated tax payments; to provide certain transitional rules and elections; to provide for the severability of any invalid provision; and to provide for the bill to become effective only if an amendment to the Constitution of Alabama of 1901,

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proposed in H.B. 252 of the 1992 Regular Session, is adopted by the people and proclaimed by the Governor.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the House non-concurred in the Senate amendment to the bill, H. 240, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 240, on Page 11, by deleting Line 12 in its entirety and inserting in lieu thereof the following: "of all retirement income."

Amend House Bill 240, as engrossed, as follows:

Page 1, lines 19 to 21, delete the language following the words "Sections 40-18-1" and preceding the words "through 40-18-85".

Page 2, line 3, after the word "income" insert the word "tax".

Page 2, line 32, after the word "commissioner" insert the words "of revenue".

Page 4, lines 21 to 24, delete the language following "Private use property." and insert the following: "Property which is treated as owned for federal income tax purposes by an individual, partnership, or corporation organized for profit even though title may be held by a public authority or a municipal or county government."

Page 6, line 5, after the word "income" insert the word "properly".

Page 6, line 7, after the word "of" and before the word "net" delete the word "the" and insert the word "such".

Page 6, line 8, delete the words "shown on the return".

Page 6, line 9, after the word "of" and before the word "net" delete the word "the" and insert the word "such".

Page 6, line 9, delete the words "shown on the return".

Page 6, line 12, delete "(a)".

Page 6, line 16, delete the word "deductions" and insert the word "subtractions".

Page 7, line 3, after the word "deductible" insert the words "for federal income tax purposes".

Page 7, line 6, after the word "deductible" insert the words "for federal income tax purposes".

Page 7, line 9, after the word "deductible" insert the words "for federal income tax purposes".

Page 7, line 16, after the word "possessions" insert the words "or its agencies and instrumentalities".

Page 8, line 15, delete the period "." and insert a colon ":".

Page 8, line 17, after the word "federal" delete the word "income".

Page 10, line 30, delete the word "taxable" and insert the words "adjusted gross".

Page 11, line 33, after the "by" insert a colon ":".

Page 12, line 27, delete the language following "sections 7 and 8" and insert a period "." and add the following sentences: "A nonresident beneficiary shall include in net income only the amount determined under this section that is allocated and apportioned to Alabama under section 51. A resident beneficiary shall not be allowed to allocate or apportion the amount determined under this section."

Page 13, line 26, delete the word "had" and insert in its place the word "has".

Page 14, line 1, after the word "payment" insert the words "(as defined in section 35(c) of this act)".

Page 15, line 7, delete the word "value" and insert in its place the word "amount".

Page 15, line 26, after the word "possessions" insert the words "or its agencies or instrumentalities".

Page 16, line 1, delete the word "unless".

Page 16, lines 23 through 26, delete the existing language and insert the following: "(c) A partner's distributive share of the partnership's business income, as adjusted under section 32 and as apportioned to Alabama under section 51, shall be included in net income if the partner is not a resident of Alabama." "(d) A partner's entire distributive share of the partnership's income, as adjusted under

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section 32, shall be included in net income without allocation or apportionment if the partner is a resident of Alabama."

Page 19, line 18, delete the semicolon ";," and the word "penalties".

Page 20, line 13, after the word "possessions" insert the words "or its agencies or instrumentalities".

Page 20, line 9, after the word "with" insert the words "the principles of".

Page 20, line 15, after the word "with" insert the words "the principles of".

Page 20, line 24, after the word "with" insert the words "the principles of".

Page 21, lines 8 through 11, delete the existing language and insert the following: "(c) A shareholder's pro rata share of the corporation's business income, as adjusted under section 42 and as apportioned to Alabama under section 51, shall be included in net income if the shareholder is not a resident of Alabama." "(d) A shareholder's entire distributive share of the corporation's income, as adjusted under section 42, shall be included in net income without allocation or apportionment if the shareholder is a resident of Alabama."

Page 21, line 21, delete the word "taxpayer's" and insert in its place the word "shareholder's".

Page 24, line 4, delete the word "may" and insert the word "shall".

Page 24, line 6, delete the language following "Association" and insert the following "but not including the initial zero basis rule or any rule that is inconsistent with this act."

Page 24, line 27, after the word "any" insert the word "nonresident".

Page 24, line 34, after the words "If a" insert the word "nonresident".

Page 25, lines 7 through 12, delete the language following the word "estate" and preceeding the word "merely" and insert the following: "shall not be considered income from transacting business or owning property in Alabama".

Page 36, lines 9 through 13, delete all of section 77.

Page 36, line 14, renumber Section 78 as Section 77.

Page 36, line 23, renumber Section 79 as Section 78.

Page 36, line 32, renumber Section 80 as Section 79.

Page 38, lines 17 through 19, delete the language following "Sections 40-18-1" and preceeding the words "through 40-18-85".

Further amend on Page 9, Line 23, by deleting the word "entire".

Further amend on Page 24, by deleting Lines 12-15 in their entirety and inserting in lieu thereof the following:

" (a) Nonresident taxpayers having income from business activity which is".

Amend House Bill 240 on page 11 after line 28 by adding the following:

"Any resident taxpayer who is 62 years of age and who is receiving social security benefits but receives no income or distributions from any of the above retirement plans shall receive an exemption for any interest income that was derived from savings accounts, certificates of deposits and similar deposits in financial institutions doing business in Alabama or on instruments purchased from brokerage houses doing business in Alabama. Such interest income exemption shall be subject to the same cap limitations as included above."

Amend House Bill 240 on page 6 by deleting lines 7 through 10 in their entirety and inserting in lieu thereof the following: "the taxpayer's spouse: 5% of the net income for the taxable year beginning January 1, 1993 and 5.1% of the net income for the taxable year beginning January 1, 1994 and 5.2% of the net income for the taxable year beginning January 1, 1995 and 5.4% of the net income for the taxable year beginning January 1, 1996 and for each taxable year thereafter."

Further amend the bill on page 18, line 12 and on page 18, lines 30 and 31 and on page 22, line 28 and on page 23, line 13 by deleting the words "5.0 percent" and inserting in lieu thereof the following: "the applicable tax rate imposed by Section 5 of this act".

Amend House Bill 240 on page 8, after line 9, by inserting the following: (f) "Any unemployment compensation income to the extent included in a taxpayer's federal taxable income."

Amend House Bill 240, as engrossed, as follows: Page 14, line 7, after the word "subsection." add a new subsection (e) to read as follows:

"(e) The department of revenue shall promulgate regulations to effectuate this section, which shall take into account the reports required by section 72 of this act and shall be designed to minimize the administrative burden on fiduciaries and on the department by avoiding duplication of the information required to be filed under this section and under section 72."

Yeas 66; Nays 0.

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Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 243. To amend Sections 40-7-25.1, 40-7-25.2, 40-7-25.3, 40-8-1, 40-9-1, and 40-11-1, Code of Alabama 1975, relating to current use valuation, the assessment of property, the rate of state ad valorem tax, exemptions from ad valorem taxation, and the subjects of taxation, and to repeal Sections 40-8-4, 40-8-5, 40-9-1.1, to 40-9-28, inclusive, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 243, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 243 on page 32, section 1, line 27, by striking after the word "county" the following: "or municipality".

Further amend House Bill 243 on page 32, section 1, line 27, by inserting after the word "state" the following: "or \$2000 of assessed value for ad valorem taxes levied, except ad valorem taxes levied for school purposes, by any municipi-

pality which has, by ordinance, enacted said exemption."

Amend House Bill 243 on page 23, lines 23 and 24, by striking the following language: "~~used by the owner thereof exclusively as the owner's single family dwelling.~~"

On page 23, on lines 23 and 24, insert the following language:

"whether the residential property is owner-occupied or not, including, but not limited to, property used by the owner thereof as the owner's single family dwelling."

Amend House Bill 243 in the title on page 1, line 18, after the numbers and punctuation "40-7-25.3," by inserting "40-7-35,".

Further amend on page 1, line 26, after the numbers and punctuation "40-7-25.3," by inserting "40-7-35,".

Further amend on page 19, line 7, before the numbers and punctuation "40-8-1." by inserting the following:

"Section 40-7-35.

When the book of assessments has been completed, the county tax assessor must without delay make out in triplicate, upon forms to be furnished by the Department of Revenue, a complete abstract of all real and personal property as contained in the assessment book of his county, identified by each public school district of the county and listing the same for each public school district of the county therein, showing the total amount and value of each class of taxable property, including specifically the total amount and value of taxable property defined in Section 40-8-1, as amended, as Class III property that is appraised according to its current use value and the total amount and value of such Class III property that is appraised according to its fair and reasonable market value, property exempt from taxation and the amount of taxes of each item, extended in a column; such abstract of assessment must be approved and certified to by the Department of Revenue, one copy of which the said tax assessor must forward to the Department of Finance not later than the second Monday in August each year, one to the Department of Revenue at Montgomery, and the other he must deliver to the tax collector by said date. The Department of Finance shall report to the Governor any tax assessor who for five days after the date required has failed to forward to the Department of Finance the abstract of assessment of his county, identified by each public school district of the county and listing the same for each public school district of the county therein, and the Governor shall forthwith require of such tax assessor an official report of the cause of such failure."

Further amend House Bill 243 on page 23, line 10, by deleting the words "any one or" and by deleting line 11 in its entirety and inserting in lieu thereof the following:

Classes I or III.

Further amend House Bill 243 on page 27, line 18, by deleting the words and punctuation "except as otherwise" and by deleting in their entirety lines 19 through 21 and inserting in lieu thereof the following: "provided, however, that this paragraph shall not apply to private use property as defined in Section 3(1) of the Tax Incentive Reform Act of 1992;".

Further amend House Bill 243 on page 27, by deleting in their entirety lines 30 through 34, and on page 28, by deleting in their entirety lines 1 through 6, and inserting in lieu thereof the following: "and personal property owned and used by an organization described in 26 U.S.C. Section 501(c)(3) and exempt from the federal income tax under 26 U.S.C. Section 501(a) exclusively for carrying on the activities and functions on which its exemption from the federal income tax is based. The tax assessors of the several counties may require the organization to present evidence showing that the property is so used exclusively."

Further amend House Bill 243 on page 28, by deleting in their entirety lines 28 and 29 and inserting in lieu thereof the following: "not include canned computer software or any rights with respect to ownership of mineral interests in real property. For purposes of ad valorem taxation, the term "canned computer software" is defined to include any prewritten computer application or operational program which is sold to more than one customer at retail. The term "canned computer software" does not include any computer application or operational program which is designed, developed, written, modified, altered, or translated pursuant to a contract with one or more customers to meet the specifications of such customer or customers, or any computer application or operational program which is sold through direct sales channels or a direct sales force."

Further amend House Bill 243 on page 30, line 23, by deleting the words "real and".

Further amend House Bill 243 on page 30, line 23, by deleting the comma "." and on line 24, by deleting the words and punctuation "including houses.".

Further amend House Bill 243 on page 30, line 28, after the word "manufacturer" by inserting a comma ",".

Further amend House Bill 243 on page 30, line 29, after the word "property" by inserting the following: "and all single family residential structures, not including any land on which they are constructed, held for sale by the builder thereof."

Further amend House Bill 243 on page 32, line 19, by deleting the word "mobile" and inserting in lieu thereof the word "manufactured".

Further amend House Bill 243 on page 32, line 21, by deleting the word "mobile" and inserting in lieu thereof the word "manufactured".

Amend House Bill 243 on page 20, after line 14 by inserting the following language: "Provided, further, notwithstanding any provision of law to the contrary, any reduction in local ad valorem taxes to Jefferson County or any municipality or other taxing jurisdiction within said county as a result of the change in the assessment ratio for Class I property due to the increase in the value of property classified as Class I property under the law in effect on October 1, 1991, and/or due to any increase in millage that would have resulted in increased ad valorem revenue when applied to property previously classified as Class I property, shall be certified by the tax assessor to the Jefferson County Commission. The tax assessor in Jefferson County shall calculate the increase in millage on all Class II property necessary to recoup the loss of local ad valorem revenue so certified. Said increase in millage shall automatically go into effect each year on Class II property only without further action by any taxing authority within said county."

Amend House Bill 243 on page 22, line 6, by inserting before the words and punctuation "The Public Service Commission" the following new paragraph: "Provided, further, that in each of the ad valorem tax years beginning October 1, 1992, 1993, 1994, and 1995, a written determination as hereinbelow provided of the amount of the anticipated decrease, if any, of the proceeds from the levy on public utility property for such year of any separately levied county, municipal or other local ad valorem tax levied in each county of the state, from the amount of such proceeds collected with respect to such tax for the ad valorem tax year beginning October 1, 1991, as a result of the changes in ratio of assessed value to fair market value hereinabove provided for public utility property shall be filed with the county commission of the county in which such tax is levied, such determination to be retained as a part of the county's permanent records, and, upon such filing and without the necessity for any further action or authorization, the rate of such tax, to be applied to all taxable property within the jurisdiction in which such tax is levied, shall be increased, as of the beginning of the ad valorem tax year in which such determination shall be made, from the rate of such tax theretofore levied by such additional rate, if any, as shall be necessary to approximately recover (as hereinbelow determined) the amount of such anticipated decrease in tax proceeds, the amount of said increase in rate to be reported by the said county commission to the taxing authority levying the tax in question and to be determined as hereinbelow provided. In determining for each of the ad valorem tax years described above the aforesaid anticipated decrease in proceeds from the levy of each particular tax and the amount of the resulting aforesaid increase in rate of each such tax, the tax assessor of the county in which the tax is levied shall first determine the proceeds anticipated to be collected from the levy of each such tax on public utility property at the then current rate of such tax for the then current ad valorem tax year, disregarding the provisions of the first sentence of this paragraph (the amount so determined being hereinafter called "the tentative public utility property tax proceeds"). If the amount of proceeds collected from the levy of such tax on public utility property for the ad valorem tax year beginning October 1, 1991, is greater than the tentative public utility property tax proceeds as determined above for such tax, the difference thereof shall constitute the anticipated decrease in proceeds of such tax from the levy thereof on public utility

property for purposes of the first sentence of this paragraph. Said anticipated decrease in proceeds with respect to each tax shall then be divided by the total assessed value of taxable property of all classes in the jurisdiction in which such tax is levied for the then current ad valorem tax year, and the number so arrived at, expressed in mills and rounded to the nearest one-hundredth of a mill, shall be added to the then current millage rate of the tax in question, and such tax as so increased shall be levied, as provided in the first sentence of this paragraph, at said rate for the then current ad valorem tax year. Provided, however, the tax assessor shall certify to the county commission, city governing body or other local taxing authority prior to the increase in millage the rate that would automatically occur pursuant to this paragraph. The county commission, city governing body or other local taxing authority shall have sixty days after that certification to prohibit the increase in millage rate from being put into effect. If the local taxing authority fails to act within the aforesaid sixty days, the increased millage rate shall automatically go into effect as provided for in this section. The tax the rate of which shall be increased as hereinabove provided shall continue to be levied at such increased rate so determined as provided above, unless (i) further increased as provided in the first sentence of this paragraph, or (ii) reduced as otherwise permitted or provided by law, so long as the levy of such tax shall continue to be authorized by law."

Amend House Bill 243, as engrossed, in the title on page 1, line 23, by deleting "40-9-1.1," and inserting in lieu thereof the following: "40-9-1 to 40-9-8, inclusive, 40-9-14, 40-9-16 to 40-9-24, inclusive, 40-9-26 to 40-9-28, inclusive"

Further amend House Bill 243, as engrossed, on page 40, by deleting lines 17 and 18 in their entirety and inserting in lieu thereof the following:

"Section 2. Sections 40-8-4, 40-8-5, 40-9-1 to 40-9-8, inclusive, 40-9-14, 40-9-16 to 40-9-24, inclusive, 40-9-26 to 40-9-28, inclusive, Code of Alabama 1975, are repealed."

Further amend House Bill 243, as engrossed, on page 28, line 7, by adding new subsections (3) and (4) to read as follows and renumbering the subsequent subsections:

"(3) All property owned by veterans organizations exempt from federal income tax under 26 U.S.C. § 501(c)(19), provided that such property is occupied and used exclusively by such organizations."

"(4) All property owned by fraternal societies exempt from federal income tax under 26 U.S.C. § 501(c)(10), provided that such property is occupied and used exclusively by such organizations."

Amend H. 243, p. 22, line 10, by inserting the following new paragraph: "Provided, further, that in the ad valorem tax year beginning October 1, 1992, a written determination as hereinbelow provided of the amount of the anticipated

decrease, if any, of the proceeds from the levy on residential property for such year of any separately levied county, municipal or other local ad valorem tax levied in each county of the state, from the amount of such proceeds collected with respect to such tax for the ad valorem tax year beginning October 1, 1991, as a result of the changes in ratio of assessed value to fair market value hereinabove provided for residential property other than single family owner-occupied residential property shall be filed with the county commission of the county in which such tax is levied, such determination to be retained as a part of the county's permanent records, and, upon such filing and without the necessity for any further action or authorization, the rate of such tax, to be applied to all taxable property within the jurisdiction in which such tax is levied, shall be increased, as of the beginning of October 1, 1992, from the rate of such tax theretofore levied by such additional rate, if any, as shall be necessary to approximately recover (as hereinbelow determined) the amount of such anticipated decrease in tax proceeds, the amount of said increase in rate to be reported by the said county commission to the taxing authority levying the tax in question and to be determined as hereinbelow provided. In determining the aforesaid anticipated decrease in proceeds from the levy of each particular tax and the amount of the resulting aforesaid increase in rate of each such tax, the tax assessor of the county in which the tax is levied shall first determine the proceeds anticipated to be collected from the levy of each such tax on residential property other than single family owner-occupied property at the then current rate of such tax for the then current ad valorem tax year, disregarding the provisions of the first sentence of this paragraph (the amount so determined being hereinafter called "the tentative multi-family residential property tax proceeds"). If the amount of proceeds collected from the levy of such tax on residential property other than single family owner-occupied property for the ad valorem tax year beginning October 1, 1991, is greater than the tentative multi-family residential property tax proceeds as determined above for such tax, the difference thereof shall constitute the anticipated decrease in proceeds of such tax from the levy thereof on residential property other than single family owner-occupied property for purposes of the first sentence of this paragraph. Said anticipated decrease in proceeds with respect to each tax shall then be divided by the total assessed value of taxable property of all classes in the jurisdiction in which such tax is levied for the then current ad valorem tax year, and the number so arrived at, expressed in mills and rounded to the nearest one-hundredth of a mill, shall be added to the then current millage rate of the tax in question as adjusted pursuant to the immediately preceding paragraph hereof, and such tax as so increased shall be levied, as provided in the first sentence of this paragraph, at said increased rate for the then current ad valorem tax year. Any tax the rate of which shall be increased as hereinabove provided shall continue to be levied at such increased rate so determined as provided above, unless (i) further increased as provided in the first sentence of the immediately preceding paragraph hereof, or (ii) reduced as otherwise permitted or provided by law, so long as the levy of such tax shall continue to be authorized by law."

Amend H. 243, page 30, line 23 by adding the following after the word "property": ", including all tangible personal property rented or leased to

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individuals for personal use in their respective residences pursuant to rent-to-own or other similar contracts pursuant to which such individuals may acquire title to such tangible personal property through substantially equal periodic payments and without the necessity of paying to the lessor or renter of such property any separately stated or computed purchase option price or amount in order to obtain title to such property,"

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 245. To provide for the Alabama Transaction Tax Act of 1992; to amend Sections 11-51-180 to 11-51-182, inclusive, 11-100-3, 11-100-4, 11-100-7, 16-15-11, 16-16-11, 40-12-4, 40-12-6, 40-12-7, 40-21-85, 40-21-106, 40-21-122, and 40-29-73, Code of Alabama 1975; to repeal Sections 11-51-200 to 11-51-207, inclusive, 34-27-65, 40-12-220 to 40-12-227, inclusive, 40-23-1 through 40-23-121, inclusive, and 40-26-1 through 40-26-21, inclusive, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 245, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the Alabama Transaction Tax Act of 1992; to amend Sections 11-51-180 to 11-51-182, inclusive, 11-100-3, 11-100-4, 11-100-7, 16-15-11, 16-16-11, 40-12-4, 40-12-6, 40-12-7, 40-21-85, 40-21-106, 40-21-122, and 40-29-73, Code of Alabama 1975; to repeal Sections 11-51-200 to 11-51-207, inclusive, 34-27-65, 40-12-220 to 40-12-227, inclusive, 40-23-1 through 40-23-121, inclusive, and 40-26-1 through 40-26-21, inclusive, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

ARTICLE 1.**GENERAL PROVISIONS****Section 1. Short Title.**

This act shall be known and may be cited as the "Alabama Transaction Tax Act of 1992."

Section 2. Legislative intent; scope of act.

(a) Legislative intent. The Legislature hereby finds and declares that the enactment by this state of a broadly based tax on consumer transactions involving the payment of consideration for the use, consumption, or ownership of tangible personal property or the provision of certain services effectuates desirable public policy by: (1) providing a uniform system of taxation for consumer transactions in tangible personal property or taxable services; (2) generating sufficient revenues to fund the desired level of public spending without imposing unreasonable burdens on the citizens or the government of the State of Alabama; (3) promoting fairness and minimizing economic distortion by equalizing the tax treatment of similar consumer transactions; and (4) minimizing the impact of such a tax on Alabama's low-income citizens. The Legislature does therefore declare that the provisions of this act are intended to accomplish these purposes.

(b) Scope of act. It is the further intent of the Legislature that the provisions of this act be construed and interpreted in a manner which imposes the tax levied by this act on all transactions in tangible personal property or a taxable service

which are not otherwise protected from taxation by the constitution or laws of the United States of America or by the constitution of this state. Accordingly, the provisions of this act shall be construed and interpreted to reflect any changes in the constitution or laws of the United States of America or in the constitution of this state which occur after the date of enactment of this act. To that end, all references in this act to the United States Code shall mean such Code as is in effect from time to time.

Section 3. Definitions.

For purposes of this act, the following terms and phrases are defined as follows:

(a) **AGRICULTURAL PRODUCTS.** The products of commercial agriculture, horticulture, silviculture, apiculture, aquaculture or animal husbandry in their unprocessed or unmanufactured state, including, without limitation, plants, grains, seeds, fruits, nuts, fibers, hay, sod, raw milk, eggs, wool, honey and livestock. For purposes of this act, the term "livestock" shall include cattle, sheep, goats, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees, and fish. Ginned cotton and cottonseed shall not be considered processed or manufactured.

(b) **ALABAMA MOUNTAIN LAKES AREA.** The geographic region comprising Blount, Cherokee, Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, and Winston counties.

(c) **AMUSEMENT OR ENTERTAINMENT SERVICES.** Any activity, exhibition, display, amusement or entertainment which is offered to the general public or where an admission fee is charged, including, without limitation, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, sporting events (including athletic contests and sporting events conducted by or under the auspices of any post-secondary or higher educational institution within this state, or any athletic association thereof), skating rinks, race tracks, golf courses, public bathing places and public dance halls of every kind and description within the state of Alabama.

(d) **CANNED COMPUTER SOFTWARE.** Any prewritten computer application or operational program which is sold at retail to more than one customer. The term "canned computer software" shall not include any computer application or operational program which is designed, developed, written, modified, altered, or translated pursuant to a contract with one or more customers to meet the specifications of such customer or customers, or any computer application or operational program which is sold through direct sales channels or a direct sales force.

(e) **GROSS RECEIPTS.** The sum of all consideration received in a transaction covered by this act; provided, however, that "gross receipts" does not include the following:

(1) the state transaction tax imposed by this act and any local transaction tax imposed by a county or municipality pursuant to Article 4 of this act which is collected by the seller from the purchaser as a separately stated item;

(2) freight, postage, or other transportation charges paid to a common carrier or the U. S. Postal Service where such charges are paid by the purchaser to the seller as a separately stated amount;

(3) the credit allowed for a used vehicle taken in trade, or in a series of trades, on the sale or use of a new or used vehicle;

(4) with respect to a contract for street or highway construction, any amounts paid the contractor pursuant to contractual escalation provisions allowing for an increase in the contract price to reflect increases in the costs of fuel, labor, materials, or taxes; or

(5) with respect to sales through coin-operated dispensing machines of food and food products for human consumption, not including beverages other than coffee, milk, milk products, and substitutes therefor, the difference between the gross proceeds derived from sales of such food, food products or beverages through such machines and the seller's cost of such food, food products, or beverages.

(f) **INDUSTRIAL OR AGRICULTURAL MACHINERY.** Machinery used for (1) mining, quarrying, compounding, processing, or manufacturing tangible personal property for sale; (2) processing telecommunications; or (3) inseminating, planting, raising, growing, propagating, cultivating, threshing, spraying, harvesting, or producing agricultural products for sale (but not including any vehicle primarily designed for highway use). The term "machinery" includes self-propelled machinery such as a power shovel, dragline, crawler, crawler crane, ditcher or any similar machine. The term "machinery" also includes the parts of such machines and attachments and replacements which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(g) **JUDGE OF PROBATE.** The judge of probate or other designated official who is the authorized licensing authority in a county.

(h) **LEASE OR RENTAL.** Any transaction in which a person who owns or controls the possession of tangible personal property permits another person to have the possession or use thereof for consideration without transfer of the ownership to such property.

(i) **PERSON.** Any individual, firm, partnership, joint venture, cooperative association, syndicate, association, corporation, financial institution, receiver, trust, estate, or any state government, county, or municipality or any agency or instrumentality thereof.

(j) **PURCHASER.** Any person who pays consideration in a transaction covered by this act.

(k) **SALE.** Any transfer of ownership of tangible personal property or the rendering of a taxable service for consideration.

(l) **SELLER.** Any person who receives consideration in a transaction covered by this act.

(m) **STREET AND HIGHWAY CONSTRUCTION.** Constructing, reconstructing, or building any public highway, road, bridge, or street under contract with the state of Alabama, including contracts in which the state of Alabama is a joint party.

(n) **TANGIBLE PERSONAL PROPERTY.** Personal property which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" shall include canned computer software and industrial and agricultural machinery (whether or not permanently affixed to real estate).

(o) **TAX COLLECTOR.** The tax collector or other designated official who is required by law to fulfill the duties of the tax collector in a county.

(p) **TAXABLE SERVICE.** Any activity performed for consideration which is described below:

- (1) the providing of amusement or entertainment services;
- (2) the providing of transient accommodations; and
- (3) the performance of street and highway construction.

(q) **TRANSIENT ACCOMMODATIONS.** Any accommodations provided to transients for consideration, including, without limitation, rooms, lodging, and accommodation in hotels, motels, convention centers, campsites, and tourist cabins, for a period not exceeding 30 continuous days.

(r) **USE.** Storage, use, or other consumption of tangible personal property; provided, however, that "use" does not include the storage of personal property for subsequent use solely outside the State of Alabama or for subsequent sale, resale, lease, rental, distribution, delivery, or redelivery in the regular course of business.

(s) **VEHICLE.** Any automotive vehicle, truck trailer, trailer, semitrailer, travel trailer, golf cart, all terrain vehicle, motorcycle, boat or airplane.

(t) **WHOLESALE TRANSACTION.** Any sale, lease, or rental of tangible personal property or of a taxable service to a person who will sell, lease, or rent such property or service to another person in the regular course of business; provided, however, that "wholesale transaction" does not include the following;

(1) any sale of construction materials for use in completing a construction contract;

(2) any sale of ophthalmic materials, including without limitation, eyeglasses, frames, lenses, and contact lenses, to a licensed ophthalmologist or optometrist who sells such materials to patients in connection with the providing of professional services; or

(3) any sale of tangible personal property to a licensed undertaker or mortician who sells such property to customers in connection with the providing of services.

(u) **WITHDRAWAL.** A withdrawal occurs if (1) tangible personal property or a taxable service was sold, rented, or leased in a transaction exempted from the tax imposed by this act, (2) such property or service is subsequently used by the taxpayer, and (3) a sale of the property or service for the use described in clause (2) would not have been exempt from the tax imposed by this act. The use of tangible personal property or a taxable service to fulfill a warranty in connection with a sale of tangible personal property or a taxable service is not a withdrawal unless such use occurs in connection with the fulfillment of an extended warranty contract governing such property or service. The use of tangible personal property to recondition or repair tangible personal property that is held for sale in the regular course of business is not a withdrawal. The use of a vehicle in the trade or business of a person engaged in selling vehicles at retail is not a withdrawal unless the vehicle is permanently withdrawn from such person's inventory or stock in trade.

Section 4. Imposition of tax.

(a) Except as provided in subsections (b), (c), (d), (e), (f) and (g) of this section, there is hereby imposed a tax of four percent of the gross receipts from every transaction covered by this act;

(b) There is hereby imposed a tax of one and one-half percent of the gross receipts from every sale, use, withdrawal, lease or rental of industrial or agricultural machinery;

(c) There is hereby imposed a tax of two percent of the gross receipts from every sale, use, withdrawal, lease or rental of a manufactured home, as defined in

section 255 of chapter 12 of title 40 of the Code of Alabama 1975;

(d) There is hereby imposed a tax of three percent of the gross receipts from every sale, use, withdrawal, lease or rental of a vehicle;

(e) There is hereby imposed a tax of five percent of the gross receipts from every street and highway construction project;

(f) There is hereby imposed a tax of five percent of the gross receipts from the providing of transient accommodations in the Alabama mountain lakes area; and

(g) Notwithstanding subsections (a), (b), (c), and (d) of this section, there is hereby imposed a tax of one and one-half percent of the gross receipts from every lease or rental of tangible personal property entered into pursuant to a written contract executed prior to the effective date of this act.

Section 5. Transactions covered by this act.

The following transactions, when they occur in Alabama, are covered by this act, unless specifically exempted:

- (a) The sale, use, or withdrawal of tangible personal property;
- (b) The lease or rental of tangible personal property; and
- (c) The performance of a taxable service.

Section 6. Exemptions.

(a) The following transactions are exempt from the tax imposed by this act:

(1) Any sale, lease, or rental of tangible personal property by a person not regularly engaged in the business of selling, leasing, or renting the same or similar tangible personal property; any providing of amusement or entertainment services by a person not regularly engaged in the business of providing amusement or entertainment services; any providing of transient accommodations by a person not regularly engaged in the business of providing transient accommodations; and any street or highway construction by a person not regularly engaged in the business of street or highway construction;

(2) Any wholesale transaction;

(3) Any sale, resale, distribution, delivery or redelivery of tangible personal property where any of the following occurs:

- a. the seller or transporter delivers such tangible personal property outside

the State of Alabama using such seller's or transporter's own transportation, transportation hired by the seller or the transporter (including a common carrier), or the United States Post Office;

b. the purchaser or the purchaser's agent takes actual possession of such tangible personal property outside the State of Alabama; or

c. the purchaser or purchaser's agent takes actual possession of a vehicle or manufactured home which will be (1) registered or titled outside Alabama and (2) removed by the purchaser or his agent within 72 hours for first use outside the state; provided, however, that manufactured homes, all terrain vehicles, boats and motor bikes shall be exempt from the tax imposed by this act only if the seller provides factual evidence of delivery outside the state (whether by the seller's own transportation, transportation hired by the seller or common carrier). Such factual evidence must be provided on forms approved by the department of revenue.

(4) Any sale of fuel or supplies for use or consumption aboard ships, vessels, towing vessels, barges, drilling ships, rigs, seismic or geophysical vessels, commercial fishing vessels or other watercraft ("vessels") engaged in foreign, international or interstate commerce; provided, however, that nothing in this subdivision shall be construed to exempt or exclude from the measure of the tax imposed by section 4 of this act the gross receipts of any sale of materials or supplies to any person in fulfilling a contract for the painting, repair, or reconditioning of vessels of 5 tons load displacement or less; provided, further, that the provisions of this subdivision shall apply to any sale occurring after June 30, 1986. For purposes of this subdivision, vessels engaged in the transportation of cargo between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states are presumed to be engaged in foreign, international, or interstate commerce, as the case may be. For purposes of this subdivision, engaging in foreign, international, or interstate commerce shall not require that the vessel involved deliver cargo to or receive cargo from a port in the state of Alabama. For purposes of this subdivision, vessels carrying passengers for hire, and no cargo, between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states shall be engaged in foreign, international, or interstate commerce, as the case may be, if, and only if, both of the following conditions are met: (i) the vessel in question is a vessel of at least 100 gross tons; and (ii) the vessel in question has an unexpired certificate of inspection issued by the United States Coast Guard or by the proper authority of a foreign country for a foreign vessel, which certificate is recognized as acceptable under the laws of the United States. Vessels which are engaged in foreign, international, or interstate commerce shall be deemed for the purpose of this subdivision to remain in such commerce while awaiting or under repair in a port of the state of Alabama if such vessel returns after such repairs are completed to engaging in foreign, international, or interstate commerce. For purposes of this subdivision, seismic or geophysical vessels which are engaged either in seismic or

geophysical tests or evaluations exclusively in offshore federal waters or in travelling to or from conducting such tests or evaluations are deemed to be engaged in international or foreign commerce;

(5) Any sale of a ship, vessel, towing vessel, barge, drilling ship, rig, seismic or geophysical vessel, commercial fishing vessel or other watercraft vessel of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources, when sold by the manufacturers or builders thereof.

(6) Any sale of materials, equipment, and machinery which, at any time, enter into and become a component part of ships, vessels, towing vessels or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, or commercial fishing vessels or other watercraft of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources.

(7) Any transaction otherwise covered by this act in which the seller and the purchaser are members of an affiliated group of corporations as defined in 26 U.S.C. § 1504;

(8) Any sale where the consideration for the sale is paid with food stamps issued pursuant to the federal food stamp act, 7 U.S.C. chapter 51;

(9) Any sale subject to taxation under chapter 21 of title 40 of the Code of Alabama (1975) (relating to public utilities);

(10) Any sale to the state of Alabama or to the governing body of any county or municipality within the state of Alabama;

(11) Any sale (a) to a public school, college or university; (b) to a private or church school as defined in section 1 of chapter 28 of title 16 of the Code of Alabama 1975 which offers essentially the same curriculum as offered in grades K through 12 in the public schools of this state; or (c) to a not-for-profit institution for higher education as defined in section 2(5) of chapter 18A of title 16 of the Code of Alabama 1975;

(12) Any sale to the United States government or its agencies or instrumentalities to the extent the constitution or statutes of the United States prohibit the imposition of the tax imposed by this act;

(13) Any sale by the state of Alabama or the governing body of a county or municipality within the state of Alabama;

(14) Any sale by the United States government or its agencies or instrumentalities to the extent the constitution or statutes of the United States prohibit the imposition of the tax imposed by this act;

(15) Any sale of agricultural products by the producer thereof;

(16) Any sale of substantially all of the assets of a business;

(17) Any sale, lease or rental of safe deposit facilities;

(18) Any sale, lease or rental of tangible personal property or a taxable service to an organization determined to be exempt from the tax imposed by this act on purchases under the procedures established in the Tax Exempt Organization Act of 1992;

(19) Any sale, lease or rental of tangible personal property or a taxable service by an organization determined to be exempt from the tax imposed by this act on sales under the procedures established in the Tax Exempt Organization Act of 1992;

(20) Any sale, lease or rental of durable medical equipment and oxygen by participating providers when the sale, lease or rental of said equipment or oxygen is paid or reimbursed in whole or in part by Medicaid or Medicare;

(21) any sale of ophthalmic materials, including without limitation, eyeglasses, frames, lenses, and contact lenses, by a licensed ophthalmologist or optometrist who sells such materials to patients in connection with the providing of professional services; and

(22) any sale of tangible personal property by a licensed undertaker or mortician who sells such property to customers in connection with the providing of services.

(b) The following items and services shall be exempt from the tax imposed by this act:

(1) Intangible property, meaning all personal property which is not in itself intrinsically valuable, but which derives its chief value from that which it represents, including, without limitation, the following:

a. All stock, shares, or interests in incorporated or unincorporated companies, business trusts, partnerships, and other entities carrying on business or investment activity;

b. Beneficial interests in trusts and estates, without regard to the residence of the grantor or fiduciary;

c. All notes, bonds, debentures, accounts receivable, certificates of deposit, cashier's and certified checks, bills of exchange, drafts, and similar instruments, bank accounts, and other obligations for the payment of money; provided, however, that sales of accounts receivable are exempt from the tax imposed by

this act only if such receivables arose from transactions which were themselves exempt from such tax or from transactions with respect to which such tax has already been collected by the seller.

d. Money (other than coins whose fair market value exceeds their intrinsic value);

e. Patents, copyrights, franchises;

f. Options, futures contracts, commodities contracts, certificates of interest in gold and other precious metals or gems, and similar financial instruments; and

g. All other classes and kinds of intangible property not otherwise enumerated;

(2) Any taxable service rendered by an employee to his or her employer, including a taxable service rendered by a statutory employee, as that term is defined in 26 U.S.C. § 3121(d), or by a real estate agent or direct seller, as those terms are defined in 26 U.S.C. § 3508. For purposes of this subdivision, tips and gratuities shall be deemed compensation received for services rendered to the employer;

(3) Any taxable service rendered pursuant to the terms of a contract for labor that is performed directly on tangible personal property in the course of producing such property for subsequent sale, lease or rental;

(4) Any taxable service rendered in connection with the painting, repair, reconditioning or conversion of ships, vessels, towing vessels, barges, drilling ships, rigs, seismic or geophysical vessels, commercial fishing vessels or other watercraft vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources;

(5) Any tangible personal property which enters into and becomes an ingredient or component part of products produced by the purchaser of such tangible personal property for subsequent sale, lease, or rental, whether or not such tangible personal property is intended to become a component of the products produced for sale, lease, or rental. This exemption includes, without limitation, any tangible personal property purchased for use in packaging or preparing such purchaser's products for sale, lease, or rental;

(6) Any tangible personal property used or consumed or any taxable service rendered in connection with inseminating, planting, raising, growing, propagating, cultivating, threshing, spraying, harvesting, or producing agricultural products, including, without limitation, feed, fertilizer, herbicides, insecticides, and fungicides, antibiotics, hormones and hormone preparations, drugs, serums and vaccines, medicines or medications, vitamins, minerals and other nutrients and

feed ingredients, tomato stakes and boxes, as well as seedlings, tree seedlings, shoots and plants;

(7) Forest tree seedlings and forest tree seed sold by the state, and *Lespedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state;

(8) Wood residue, coal, coke or natural gas for use or consumption by manufacturers, electric power companies, and transportation companies in the production of by-products, or in the generation of heat or power used in manufacturing tangible personal property for sale, or resale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale, or resale, or for the generation of motive power for transportation;

(9) All nuclear fuel assemblies, together with the nuclear materials contained therein, and all other nuclear material used or useful in the production of electricity and all assemblies containing ionizing radiation sources, together with the ionizing radiation sources contained therein, used or useful in medical treatment or scientific research;

(10) All devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction, or elimination of air or water pollution and all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction, or elimination of air or water pollution;

(11) All products subject to taxation under chapter 17 of title 40 of the Code of Alabama including, without limitation, gasoline, motor fuels (including natural gas and compressed natural gas), gasohol, liquified petroleum gas and lubricating oil; and

(12) All medicine for human consumption or intake that is or will be dispensed by a licensed pharmacist pursuant to a prescription written by a licensed physician, or dispensed by a licensed physician, whether sold to a hospital, a physician, a patient, or a customer.

Section 7. Liability for tax.

(a) Where the seller is required by this act to collect the tax imposed hereunder, liability for such tax rests with the seller and arises at the time the purchaser transfers consideration to the seller in a transaction covered by this act. Where the seller adds the tax to the purchase price as a separately stated item, the tax shall be a debt from the purchaser to the seller until it is paid and shall be recoverable at law in the same manner as authorized for the recovery of other debts.

(b) If a sale of tangible personal property or a taxable service is subject to

the tax imposed by this act and the seller is a person who is not required by this act to collect such tax, liability for such tax rests with the purchaser who uses the tangible personal property or taxable service in Alabama. Such liability arises at the earlier of: (1) the time the purchaser receives the tangible personal property or taxable service in Alabama or (2) the time the purchaser uses the tangible personal property or taxable service in Alabama. In such event, the purchaser shall pay the tax directly to the department of revenue in accordance with the provisions of section 16. Remittance of such tax to the department of revenue in accordance with the provisions of section 16 shall satisfy the purchaser's liability under this act.

(c) Where tangible personal property or a taxable service is withdrawn in a transaction covered by this act, liability for payment of the tax imposed by this act rests with the person who withdraws such property or taxable service and arises at the time of the withdrawal. The person who withdraws tangible personal property or a taxable service under this subsection shall pay the tax directly to the department of revenue in accordance with the provisions of section 14 or section 16, whichever is applicable. Remittance of the tax in accordance with the provisions of section 14 or 16 shall satisfy the liability of the person withdrawing the tangible personal property or taxable service under this act.

(d) If tangible personal property or a taxable service has been purchased from an out of state seller and is used in Alabama, the person using such property or service shall be presumed to be liable for the tax imposed by this act unless such person can produce satisfactory evidence that the tax imposed by this act has been paid to a seller who has registered to collect and remit such tax under section 12.

Section 8. Collection and remittance of tax.

A seller who is required by this act to collect the tax imposed hereunder shall collect such tax from the purchaser at the time the seller receives consideration and shall remit the amount collected (even if it exceeds the tax due) to the department of revenue in accordance with the provisions of section 14. Remittance of such tax to the department of revenue in accordance with the provisions of such section shall satisfy the seller's liability under this act. The department of revenue may allow certain purchasers to purchase tangible personal property or a taxable service and to rent or lease tangible personal property without payment of the tax to the sellers thereof. Any purchaser who possesses a direct pay permit issued pursuant to this section must pay the tax imposed on such transactions directly to the department of revenue in accordance with section 14.

Section 9. When seller required to collect and remit tax.

(a) A seller of tangible personal property shall be required to collect and remit to the department of revenue the tax imposed by this act if it:

- (1) maintains an office, warehouse, or other place of business in Alabama;
- (2) has an employee, agent, independent contractor, or other representative conducting business in Alabama;
- (3) owns real or tangible personal property in Alabama; or
- (4) engages in the systematic exploitation of the Alabama market through:
 - a. advertisements placed in newspapers, magazines, or other printed media distributed in Alabama;
 - b. commercials played on radio or television stations that are transmitted into Alabama;
 - c. advertisements placed on billboards located in Alabama; or
 - d. regular deliveries of tangible personal property into Alabama by means of the seller's own equipment and employees.

(b) A seller of a taxable service shall be required to collect and remit to the department of revenue the tax imposed by this act if the taxable service is performed in Alabama.

Section 10. Separate stating of tax required; refund or assumption of tax by seller unlawful.

(a) Every seller who is required by this act to collect the tax imposed hereunder shall add the tax to the transaction price as a separately stated item. No seller may refund or offer to refund any part of the amount collected. No such seller may absorb or advertise directly or indirectly the absorption of any part of the tax imposed by this act, nor may such seller represent in any manner that the seller will relieve the purchaser of the payment of any part of such tax. The seller may, however, refund the tax collected on any transaction where the seller refunds the transaction price to the purchaser.

(b) Any seller who neglects, fails, or refuses to collect the tax by adding it to the transaction price as a separately stated item or who refunds, absorbs, or advertises the refund or absorption of the tax in violation of subsection (a) shall pay the tax on the gross receipts received in the transaction. The tax due under this section shall be remitted at the time and in the manner specified in section 14.

(c) Subsections (a) and (b) of this section shall not apply to the tax imposed by this act on the performance of street and highway construction.

Section 11. Credit for similar tax paid in another state.

If, at the time the liability for the tax imposed by this act arises, the person who is liable for the tax imposed by this act has paid or has become liable for and subsequently pays a tax similar to the tax imposed by this act to another state under a legal requirement of that state's law, such tax (to the extent it does not exceed the tax that Alabama would impose on the transaction) shall be allowed as a credit against the tax imposed by this act. The Commissioner of the department of revenue shall require such proof of payment of tax in another state as he deems necessary and proper. No credit shall be allowed for a similar tax paid to any state that does not allow a credit for payment of the tax imposed by this act.

Section 12. Registration of sellers required to collect tax.

(a) Every seller required by section 9 to collect and remit to the department of revenue the tax imposed by this act shall register with the department of revenue. Such registration shall be made on a form prescribed by the department of revenue containing such information as the department of revenue may require which is necessary to the administration, enforcement, and collection of the tax imposed by this act.

(b) A seller required to register with the department of revenue under subsection (a) and who transacts business in more than one county in this state shall be required to register only once. Upon request by such seller, the department of revenue shall provide each county and municipality in which a seller transacts business with a copy of the seller's registration for use in the administration and enforcement of the county and municipal transaction taxes, if any, imposed pursuant to Article 4 of this act.

Section 13. Violators may be enjoined from continuing in business.

A seller who is required by this act to collect and remit to the department of revenue the tax imposed hereunder and who fails to do so or to comply with the provisions of section 12 may be enjoined from continuing in business in this state until such time as the seller complies in full with the provisions of section 12 and the seller's obligation to collect and remit the tax imposed by this act.

Section 14. Monthly remittance of tax by sellers and certain purchasers; accompanying return required; use of consistent accounting method; extension of time to file return.

(a) Every seller who is required by this act to collect the tax imposed hereunder shall remit to the department of revenue the total amount collected as tax on sales by such seller (even if such amount exceeds the tax due). Every purchaser who is authorized to pay the tax directly to the department of revenue shall remit to the department of revenue the total amount due on taxable withdrawals. The remittance of tax required by this section shall be made to the department of revenue on or before the twentieth day of the month following the month in which the tax was collected or withdrawal occurred; provided, however,

that every seller required by this act to collect the tax imposed hereunder whose average monthly state transaction tax liability was \$10,000.00 or more during the preceding calendar year shall make estimated payments to the department of revenue on or before the twentieth day of the month in which the liability occurs. Such estimated payments shall be made in an amount equal to the lesser of two-thirds of the seller's actual state transaction tax liability for the same calendar month of the preceding calendar year or two-thirds of the seller's estimated state transaction tax liability for the current calendar month. Any outstanding credit or deficit arising from an overpayment or underpayment of the seller's actual state transaction tax liability for a calendar year shall be applied to either increase or reduce, as the case may be, the seller's monthly state transaction tax liability for the last month of that calendar year. Such liability shall be reported and paid by the seller not later than the twentieth day of the month next succeeding the month in which the tax accrues.

(b) Each monthly remittance of tax shall be accompanied by a return prepared on a form prescribed by the department of revenue. Such form shall contain such information as the department of revenue may require which is necessary to the administration, enforcement, and collection of the tax imposed by this act.

(c) Where a seller's total transaction tax liability does not exceed \$10 for any month, the seller may, with the consent of the department of revenue, make a quarterly remittance and return in lieu of the monthly remittance and return required above. Any such quarterly remittance and return shall be made on or before the twentieth day of the month following the end of the quarter in which the tax was collected.

(d) Sellers shall use a consistent method of accounting that clearly reflects gross receipts in determining the remittances of tax and preparing the returns required by this section.

(e) Upon a showing of good cause by the seller, the department of revenue may extend the time for filing a return required by this section for a period of up to 30 days.

Section 15. Collection discount for sellers.

Every seller who collects the tax imposed by this act shall be entitled to a fee. Such fee shall be payable to the seller in an amount equal to two percent of the tax reported by such seller on the return required by section 14 of this act. No seller shall be allowed a fee on any remittance of tax which is not made within the time period set forth in subsection (a) of section 14 of this act.

Section 16. Monthly remittance of tax by purchasers; accompanying return required; use of consistent accounting method; extension of time to file return.

(a) If, pursuant to section 9, the seller is not required to collect the tax on a transaction covered by this act, the purchaser shall remit the tax on such transaction directly to the department of revenue. The tax shall be remitted to the department of revenue on or before the twentieth day of the month following the end of the month in which liability for the tax arises.

(b) Each monthly remittance of tax shall be accompanied by a return prepared by the purchaser on a form prescribed by the department of revenue. Such form shall contain such information as the department of revenue may require which is necessary to the administration, enforcement, and collection of the tax imposed by this act.

(c) Purchasers shall use a consistent method of accounting that clearly reflects gross receipts in determining the remittances of tax and preparing the returns required by this section.

(d) Upon a showing of good cause by the purchaser, the department may extend the time for filing a return required by this section for a period of up to 30 days.

Section 17. Tax exemption certificates.

The department of revenue shall condition the allowance of an exemption set forth in section 6 of this act on the possession of an appropriate exemption certificate whenever administration, collection, or compliance will be enhanced by the use of such certificate. The department of revenue shall promulgate regulations governing the issuance of tax exemption certificates to eligible persons. The department of revenue shall prescribe the standards of eligibility for an exemption certificate. Such standards shall be based on objective, verifiable information such as that shown on the state or federal income tax returns filed by the applicant. The department of revenue shall also prescribe the record keeping requirements applicable to sellers with respect to such certificates. The department of revenue may prescribe a fee payable by applicants for exemption certificates. The amount of such fee shall be sufficient to offset the costs of administering the exemption certificate process.

ARTICLE 2

STATE TRANSACTION TAX ON SALES OF VEHICLES

Section 18. Imposition of state transaction tax on sales of vehicles.

There is hereby imposed a state transaction tax on any sale of a vehicle which must be registered or licensed with the judge of probate of any county in this state at the rate of three percent of the gross receipts from such sale. Notwithstanding any provision of the Code of Alabama to the contrary, any boat on which transaction tax was not paid at the time of purchase to a seller required

to collect the tax must be registered with the judge of probate.

Section 19. Subjects of taxation.

(a) The tax imposed by section 18 shall not apply to any sale of a vehicle in:

(1) a wholesale transaction; or

(2) a transaction subject to the tax imposed by section 4 of this act.

(b) The tax imposed by section 18 shall be subject to the definitions and exemptions set forth in Article 1 of this act except the exemption for casual sales provided in subdivision (a) (1) of section 6 of this act.

Section 20. Payment of tax.

The purchaser of a vehicle subject to the tax imposed by section 18 shall pay the tax at the time the purchaser registers the vehicle. The purchaser shall pay the tax to the tax collector of the county in which the vehicle is registered.

Section 21. Collection and remittance of tax.

The tax collector shall, after deducting the fee provided for in section 22 of this act, remit all revenue collected under the provisions of this Article 2 to the department of revenue within twenty days following the end of the month in which such taxes were collected.

Section 22. Fee for collecting tax.

For collecting the tax imposed by section 18, the tax collector shall be entitled to a fee in an amount equal to five percent of all revenue collected under the provisions of this Article 2 each month. No fee shall be allowed on any remittance of tax which is not made to the department of revenue within the time period set forth in section 21 of this act.

Section 23. Proof of payment of tax.

The judge of probate shall require such proof as he deems necessary and proper that the tax imposed by either section 4 or section 18 of this act has been paid before a license is issued or a vehicle is registered.

ARTICLE 3

DISTRIBUTION OF REVENUE

Section 24. Distribution of revenues.

The revenues collected by the department of revenue from the taxes imposed by Articles 1 and 2 of this act shall be distributed as follows:

(a) One-fifth of the proceeds from the transient accommodations tax levied by subsection (f) of section 4 of this act, after deduction of an agreed upon cost of collection between the counties involved and the department of revenue, such cost not to exceed five percent, shall be distributed in the following manner: fifty percent of said portion shall be distributed to the Alabama mountain lakes association to be used for the promotion of tourism and travel. The remaining fifty percent of said portion shall be paid to the respective counties for the promotion of tourism, recreation and conventions. Said money shall be controlled by the county commission unless local law provides otherwise.

(b) In addition, on the first day of each fiscal quarter there shall be paid to the department of human resources for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of stamp benefits issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum shall be paid quarterly to the department of human resources trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States department of agriculture and in conformity with sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama legislature and the United States department of agriculture. The department of human resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required.

(c) In addition, such amount of the aforesaid revenues as may be necessary to pay the principal of and interest on the bonds of the Alabama School Authority issued pursuant to the provisions of Act No. 1277 enacted at the 1973 Regular Session of the Legislature, Act No. 1223 enacted at the 1975 Regular Session of the Legislature, Act No. 73 enacted at the 1975 Third Extraordinary Session of the Legislature, Act No. 79-41 enacted at the 1979 Extraordinary Session of the Legislature, and Act No. 90-280 enacted at the 1990 Regular Session of the Legislature are hereby pledged therefor and shall be allocated and paid out of the state treasury for such purpose to the extent other revenues heretofore pledged for such purposes shall be insufficient therefor, the aforesaid pledge for the benefit of said bonds to take priority on the basis of the date of the respective legislative authorizations made therefor.

(d) After sufficient revenues have been set aside to fund the distributions set forth in subsections (a), (b) and (c) of this section, all remaining revenues collected by the department from the taxes imposed by Articles 1 and 2 of this act

shall be distributed as follows:

(1) For the fiscal year beginning in 1993, 1.40% to the counties and municipalities that received distributions of financial institution excise tax during the fiscal year beginning in 1992, such amount to be distributed in the proportions determined by averaging the proportion of the total financial institution excise tax each such county and municipality received during the fiscal years beginning in 1989, 1990, and 1991, 19.94% to the State General Fund, and the remainder to the Alabama Special Educational Trust Fund.

(2) For the fiscal year beginning in 1994, 21.79% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(3) For the fiscal year beginning in 1995, 22.35% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(4) For the fiscal year beginning in 1996, 23.35% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(5) For the fiscal year beginning in 1997 and each fiscal year thereafter, 1.27% to the counties that collected the shares tax imposed by section 70 of chapter 14 of title 40 of the Code of Alabama 1975, during the ad valorem tax year ending September 30, 1996, such amount to be distributed among such counties in such proportion as the average amount of shares tax collected by each such county with respect to the ad valorem tax years beginning October 1 of 1994, 1995, and 1996 bears to the average amount of shares tax collected by all such counties with respect to such years, 23.62% to the State General Fund, and the remainder to the Alabama Special Educational Trust Fund.

ARTICLE 4.

LOCAL TRANSACTION TAX

Section 25. Levy of local transaction taxes authorized.

(a) The governing body of a county or municipality within Alabama is authorized to impose by ordinance a tax on the transactions subject to taxation under this act only if (1) such tax is imposed on all such transactions and (2) such tax is identical to the state transaction tax in every respect except for rate of tax. No such governing body may impose a tax on any transaction which is exempt from taxation under this act.

(b) Subsection (a) of this section notwithstanding, no local transaction tax may be imposed on: (1) the sale of alcoholic beverages by the alcoholic beverage control board of the State of Alabama; or (2) the performance of street and highway construction.

(c) The governing body of a county or municipality shall not have the authority to impose any tax, whether denominated a transaction tax, sales tax, use tax, or gross receipts tax, that is substantially similar to the tax authorized by article 4 of this act in its rate, method of computation, or incidents of taxation, except as authorized by this section.

Section 26. Rate of tax. (a) Except as provided in subsection (f) of this section, the governing body of a county within Alabama is authorized to impose by ordinance the tax authorized by section 25 of this act at a rate of up to one percent. Except as provided in subsection (f) of this section, the governing body of a municipality within Alabama is authorized to impose by ordinance the tax authorized by section 25 of this act at percent or three percent, respectively, only as provided in subsections (c) and (d) of this section.

(b) A county within Alabama which has a sales, use, gross receipts, leasing or rental tax rate in effect on January 2, 1992, which exceeds one percent is not required to reduce such rate of tax. A municipality within Alabama which has a sales, use, gross receipts, leasing or rental tax rate in effect on January 2, 1992, which exceeds three percent is not required to reduce such rate of tax. The governing body of such county or municipality may increase such rate of tax only as provided in subsections (c) and (d) of this section; provided, however, that should a county within Alabama which has a sales, use, gross receipts, leasing or rental tax rate in effect on January 2, 1992, which exceeds one percent, reduce such tax rate, such action shall not prevent said county from subsequently reestablishing the rate in effect on January 2, 1992 without a vote of the people; and, provided, further, that should a municipality within Alabama which has a sales, use, gross receipts, leasing or rental tax rate in effect on January 2, 1992, which exceeds three percent, reduce such tax rate, such action shall not prevent said municipality from subsequently reestablishing the rate in effect on January 2, 1992 without a vote of the people.

(c) The governing body of a county or municipality within Alabama may increase the rate of tax imposed under section 25 to a rate that exceeds the limits imposed by subsection (a) of this section if it determines that an emergency exists. No tax imposed under this subsection shall remain in effect for more than 12 months. If a tax has been imposed under this subsection, no further tax may be imposed under this subsection until five years have elapsed from the date the tax became effective.

(d) The governing body of a county or municipality within Alabama may increase the rate of tax imposed under section 25 to a rate that exceeds the limits imposed by subsection (a) of this section if it obtains approval of a majority of the qualified electors who vote in an election called for that purpose.

(e) The rate of a local transaction tax levied pursuant to the authority of section 25 of this act on the sale, use, withdrawal, lease or rental of a vehicle or of industrial or agricultural machinery shall not exceed one-half of one percent when

imposed by the governing body of a county within Alabama, nor one percent when imposed by the governing body of a municipality within Alabama. Any county or municipality within Alabama which has a rate of tax on the sale, use, withdrawal, lease or rental of a vehicle or of industrial or agricultural machinery in effect on January 2, 1992 which exceeds the limitations of this section must reduce such rate of tax to comply with said limitations by January 1, 1996.

(f) The governing body of any county or municipality within Alabama is authorized to impose by ordinance the tax on the providing of transient accommodations authorized by section 25 of this act at any rate. The provisions of subsection (c) of section 25 of this act and of subsections (a), (b), (c), (d), and (e) of this section shall not apply to any local transient accommodation tax levied pursuant to the authority of this subsection.

Section 27. Levy of tax outside corporate limits.

The governing body of any municipality within Alabama is hereby authorized to impose by ordinance the tax authorized by section 25 of this act within its police jurisdiction. The rate of such tax may not exceed one-half of the rate levied pursuant to the authority of section 25 of this act by such municipality within its corporate limits.

Section 28. Situs rule.

(a) For purposes of this Article, except as provided in subsections (b) and (c) of this section, any sale, lease, or rental of tangible personal property to a purchaser in Alabama, or any performance or rendering of a taxable service to a purchaser in Alabama is deemed to occur at the location where possession of the tangible personal property passes from seller to purchaser or at the location where the taxable service was performed.

(b) For purposes of this Article, any sale, lease, or rental of tangible personal property to a purchaser in Alabama, or any sale of a taxable service to a purchaser in Alabama who possesses a direct pay permit issued pursuant to the authority of section 8 of this act is deemed to occur at the place of delivery to the purchaser.

(c) Notwithstanding subsection (a) of this section, any sale, lease or rental of tangible personal property to a purchaser in Alabama by a seller whose business location is not within Alabama is deemed to occur at the place of delivery of the property to the purchaser.

Section 29. Administration of tax.

Any tax imposed under this Article shall be collected by the department of revenue unless the governing body of the county or municipality imposing the tax under this Article enters into an agreement with the department of revenue provid-

ing for (1) the exchange of information with the department of revenue and (2) procedures (including registration of tax payers, return requirements, refund claims, administrative and judicial appeals, statutes of limitations, interest, and penalties) that are consistent with this act and the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act, in which event such governing body may provide for the collection of the tax by the county or the municipality, as the case may be.

Section 30. Limitation on multiple taxes on transaction; credit for certain taxes paid.

(a) If a sale of tangible personal property or the rendering of a taxable service is subject to a local transaction tax imposed by a county pursuant to section 25 of this act, the tangible personal property or taxable service, when imported for use into another county in Alabama, shall not be subject to a local transaction tax imposed by such other county pursuant to section 25 of this act.

(b) If a sale of tangible personal property or taxable service is subject to a local transaction tax imposed by a municipality pursuant to section 25 of this act, the tangible personal property or taxable service, when imported for use into another municipality in Alabama, shall not be subject to a local transaction tax imposed by such other municipality pursuant to section 25 of this act.

(c) If, at the time the liability for a local transaction tax imposed by a county or municipality pursuant to section 25 of this act arises, the person who is liable for the tax imposed by such section has paid or has become liable for and subsequently pays a tax similar to a local transaction tax imposed pursuant to section 25 of this act to any jurisdiction located in another state, such tax (to the extent it does not exceed the local transaction tax the county or municipality would impose on the transaction) shall be allowed as a credit against a county or municipal transaction tax imposed pursuant to section 25 of this act. The person charged with the responsibility for collecting the local transaction tax imposed pursuant to section 25 of this act shall require such proof of payment of tax in such other jurisdiction as is deemed necessary and proper. No credit shall be allowed for a similar tax paid to any jurisdiction that does not allow a credit for payment of a local transaction tax imposed pursuant to section 25 of this act.

ARTICLE 5

COLLECTION AND DISTRIBUTION OF LOCAL TRANSACTION TAX ON SALES OF VEHICLES

Section 31. Collection and remittance of local transaction tax on sales of vehicles.

(a) The tax collector shall collect the county and municipal transaction taxes imposed on sales of vehicles pursuant to section 25 of this act when such sales

are made by (1) any person other than a licensed dealer, (2) a dealer doing business outside of the state of Alabama, or (3) a licensed dealer where municipal and county transaction taxes were not collected at the time of sale. The tax collector shall, after deducting the fee provided for in section 32 of this act, remit all revenue collected under the provisions of this Article 5 directly to the appropriate county or municipal recipient as otherwise provided by law. Such remittance shall be made to the appropriate county or municipality within twenty days following the end of the month in which such taxes were collected.

(b) The tax collector shall require, as proof of the purchase price of a vehicle purchased from a licensed dealer in this state, documentation of the price upon which any state, county or municipal transaction tax was paid and which reflects the amount of state, county or municipal transaction tax paid by the purchaser as well as such other evidence of the purchase price as the department of revenue may prescribe. All licensed dealers in this state shall furnish the purchaser of any vehicle documentation showing the amount and rate of state, county and municipal transaction tax collected by the dealer from the purchaser at the time of sale.

(c) The tax collector shall require, as proof of the purchase price of a vehicle from any person other than a dealer licensed in this state, the presentment of a sworn report by the purchaser reflecting the purchase price of such vehicle. Such report shall be presented to the tax collector on a form provided by the department of revenue and shall be accompanied by a properly executed bill of sale or such other satisfactory evidence as may be prescribed by the department of revenue.

(d) In lieu of the requirements of subsection (c) of this section, the purchaser may stipulate to the tax collector that the purchase price of a vehicle is equivalent to a standard value established by the department of revenue for such vehicle. The purchase price so stipulated is conclusively presumed to be the purchase price of such vehicle for all purposes under Articles 4 and 5 of this act.

Section 32. Fee for collecting tax.

For collecting a local transaction tax imposed pursuant to the authority of section 25 of this act, the tax collector shall be entitled to a fee in an amount equal to five percent of all revenue collected under the provisions of this Article 5 each month. No fee shall be allowed on any remittance of tax which is not made to the appropriate county or municipality within the time period set forth in section 31 of this act. In any county where the tax collector is paid on a salary basis, the tax collector shall remit the fee provided for in this section to the county treasury, or to the official performing the duties of the county treasurer.

Section 33. Proof of payment of tax.

The judge of probate shall require such proof as is deemed necessary and

proper that a local transaction tax imposed pursuant to the authority of section 25 of this act has been paid before a license is issued or a vehicle is registered.

ARTICLE 6.

CONFORMING AMENDMENTS

Section 34. Section 11-51-180, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-51-180.

"The state revenue department shall collect any municipal privilege license taxes levied or assessed by any city or town under the provisions of a municipal ordinance duly promulgated and adopted by the governing body of the city or town upon the request by resolution of the council or commission of such city or town and upon the filing with said department of a certified copy of the ordinance levying the tax, whenever such levy parallels the state levy except for the rate of the tax and is subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments and deductions as are applicable to the state transaction tax levied by section 4 of the Alabama Transaction Tax Act of 1992 ~~sales and use taxes and the state tax on the rental of rooms, lodgings and accommodations as levied respectively by section 40-23-1, 40-23-2, 40-23-4, 40-23-6 through 40-23-32, 40-23-34 through 40-23-36, article 2 of act 23 of Title 40 of this Code and sections 40-26-1 through 40-26-20 except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes.~~ Notwithstanding anything to the contrary herein, the provisions of this section shall not apply to any local transaction tax imposed by a governing body pursuant to the authority of section 25 of the Alabama Transaction Tax Act of 1992."

Section 35. Section 11-51-181, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-51-181.

"Such municipal taxes shall be collected by the state department of revenue at the same time and along with the collection by the department of taxes levied and collected for the state under the respective provisions of ~~said sections 40-23-1, 40-23-2, 40-23-4, 40-23-6 through 40-23-32, 40-23-34 through 40-23-36, article 2 of act 23 of Title 40 of this Code and sections 40-26-1 through 40-26-20~~ the state transaction tax levied by section 4 of the Alabama Transaction Tax Act of 1992, and all reports required to be made to the commissioner of revenue under this division shall, on request made to the department of revenue, be made available for inspection by the governing body of the city or town or its designated agent at reasonable times during business hours."

Section 36. Section 11-51-182, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-51-182.

"The department of revenue shall prepare and distribute such reports, blank forms and other information as may be necessary to provide for collection of municipal taxes under this division, and shall have all the authority and duties under this division as it has in connection with the collection of the state transaction tax levied by section 4 of the Alabama Transaction Tax Act of 1992 ~~sales and use taxes provided for by sections 40-23-1, 40-23-2, 40-23-4, 40-23-6 through 40-23-32, 40-23-34 through 40-23-36 and article 2 of chapter 23 of Title 40 of this Code, and with the collection of the state tax on the rental of rooms, lodgings and accommodations provided for by said sections 40-26-1 through 40-26-20.~~"

Section 37. Section 11-100-3, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-100-3.

As used in this chapter, the following words and phrases shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

"(1) BONDS. Either general obligation bonds, limited obligation, or revenue bonds, or a combination thereof, issued after the effective date of this act by a city, county or entities or authorities thereof in connection with the financing, in whole or in part, of eligible facilities. The term "bonds" shall also refer to any bonds, warrants, or other certificates of indebtedness authorized under the laws of the state of Alabama.

"(2) CITY. Any city in this state.

"(3) COUNTY. Any county in this state.

"(4) AUTHORITY. Any authority created pursuant to act No. 547, H. 1176, 1965 Regular Session.

"(5) DELEGATE. A person attending a national or regional convention or meeting in this state.

"(6) ELIGIBLE FACILITIES. Any convention facilities owned by a city, county or entities or authorities thereof in which the bonds for the facilities are issued after the effective date hereof, or such facilities for which the construction, or substantial expansion, reconstruction, or renovation is completed after May 11, 1989.

"(7) **ESTIMATED INVESTMENT MULTIPLIER.** The number of times initial expenditures by delegates will be respent on additional goods and services in this state, as determined in section 11-100-4(h).

"(8) **NATIONAL OR REGIONAL MEETING.** A meeting, convention, show or other function which is intended primarily for delegates from outside the state. For a meeting to qualify as a regional or national meeting, it must meet the criteria as determined for a regional or national meetings by the international association of convention and visitors bureaus or as set by the state director of finance.

"(9) **REVENUE BONDS.** Bonds issued by a city, county or authority which are limited or special, rather than general obligations of the issuer and which are not payable from the proceeds of an ad valorem tax.

"(10) **STATE ASSISTANCE PAYMENTS.** Payments to a city, county or entities or authorities thereof, under this chapter.

"(11) **CONVENTION FACILITIES.** Any property, real, personal or mixed, which is necessary or desirable in connection with a convention or meeting center, or similar facility, including without limitation, auditoriums, exhibition halls, facilities for food preparation and serving, parking facilities, and administrative offices in connection therewith.

"(12) **STATE TRANSACTION LODGING TAX** ~~or STATE TRANSIENT OCCUPANCY TAX.~~ The tax levied and collected pursuant to ~~section 40-26-4~~ Article 1 of the Alabama Transaction Tax Act of 1992."

Section 38. Section 11-100-4, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-100-4.

"(a) Any city, county or entities or authorities thereof may apply to the state director of finance for state assistance payments for any eligible facilities. The city, county or entities or authorities thereof shall file an initial application with the director of finance, which shall be in writing and shall describe: (i) the eligible facilities; (ii) the need for said facilities or the benefit therefrom; and (iii) the financing thereof, including the principal and interest payments for the bonds.

"(b) The director of finance shall promptly review such initial application and shall notify the applicant of any additional information that may be necessary.

"(c) After reviewing the initial application and upon reasonable notice to the applicant, the director of finance shall hold a public hearing on the application and maintain an official record of such hearing. He shall give notice of the time, place and purpose of the public hearing by publication one time in a newspaper of general circulation within the boundaries of the applicant, not less than 10 days

prior to the hearing.

"(d) Within 90 days after such public hearing, the director of finance shall: (i) determine whether the facilities described in the initial application are eligible facilities; (ii) notify the applicant of its determination; and (iii) if said facilities are determined to be eligible, approve such application and immediately certify the same to the governor and joint legislative council of the Alabama legislature.

"(e) After the initial application has been approved, the city, county or entities or authorities thereof must establish a base number of convention delegates which shall be computed by taking an annual average of convention delegates attending national and regional meetings in said city, county or the entity's or authority's region over the previous five-year period. For purposes of determining such base number, each county, city or entity or authority thereof is hereby authorized to require each hotel or motel to report quarterly to it the total number of convention delegates in attendance for any national or regional convention or meeting which utilizes 50 or more room nights per meeting. The city, county or entity or authority thereof shall then file an application with the director of finance which shall estimate: (i) the number of additional delegates over and above the base average number, who will patronize the eligible facilities during the year; (ii) their estimated expenditures; (iii) the estimated additional state ~~transaction lodging~~ tax revenues to be derived as a result of the expenditures (taking into consideration the investment multiplier); (iv) the expected additional expense, if any, to the state; and (v) any other matters prescribed by the director of finance. The descriptions required by (i), (ii), and (iii) shall be supported by statistical surveys satisfactory to the director of finance.

"(f) The director of finance shall review all such annual applications, determine the amount of state assistance payments that would be required under such estimates, as determined in paragraph (i) of this section, and shall include in the proposed budget to the governor, a line item appropriation in such amount, and certify such amount to the state legislature, provided, however, that in no fiscal year shall the entire amount budgeted for all eligible facilities exceed \$3,000,000.

"(g) From the net proceeds of the state ~~transaction transient occupancy tax~~ ~~proceeds levied pursuant to section 40-26-1, the provisions of section 40-26-20 to the contrary notwithstanding,~~ the legislature shall appropriate annually such amount as it deems necessary and desirable to satisfy all such projected state assisted payments for the next fiscal year. In the first full fiscal year after May 11, 1989, this amount shall not exceed \$500,000; in the second fiscal year after May 11, 1989, this amount shall not exceed \$1,000,000; in the third fiscal year after May 11, 1989, this amount shall not exceed \$2,000,000; in the fourth fiscal year after May 11, 1989, this amount shall not exceed \$3,000,000; and in no subsequent fiscal year shall the amount budgeted ever exceed \$3,000,000. Such amount shall be credited to the convention facilities fund established pursuant to section 11-110-5.

"(h) Each city, county or entity or authority thereof that has filed an annual application for assistance payments for the current fiscal year will file a request for state assistance payments with the state department of finance within 30 days after the end of each quarter during said fiscal year. The quarterly request shall include the actual number of delegates that patronized eligible facilities during the preceding quarter, the average number of days attendance for such delegates, and signed documentation from an executive of each group or association attesting to the number of delegates and the average number of days attendance. The quarterly request shall also include the delegates' average expenditures, the delegates' total estimated expenditures, taking into consideration the investment multiplier, the total estimated additional state transaction ~~lodging~~ tax revenues generated in the amount of state assistance payments requested by the city, county, or entity or authority thereof for such quarter. The investment multiplier for each city, county or entity or authority thereof shall be determined by the director of finance with due consideration given to the opinion of the international association of convention and visitor bureaus as to what the investment multiplier should be for such city, county or entity or authority thereof. The investment multiplier, as determined by the director of finance, shall not be greater than five.

"(i) The amount of any state assistance payments to which each city, county or entity or authority thereof having filed an annual application hereunder shall be entitled, shall be an amount equal to two-thirds of the total sum of additional state ~~transaction transient-occupancy~~ tax revenue, if any, generated in connection with such city, county or entity's or authority's eligible facility for the preceding quarter, as determined in paragraph (h) of this section. The maximum amount of any city, county or entity's or authority's state assistance payments for any quarter shall be limited to 50% of the bond debt requirements, including principal and interest, for the quarter for which state assistance payments have been requested.

"(j) In any fiscal year in which approved state assistance payments exceed the maximum allowed under section 11-100-4(g), all participating cities, counties and entities or authorities thereof shall receive a pro rata share of the amount they would be due to receive otherwise hereunder. In the event state assistance payments are set aside in the convention facilities fund and are unclaimed at the end of the fiscal year, such remaining funds shall revert to the fund to which the taxes would have otherwise been originally deposited."

Section 39. Section 11-100-7, Code of Alabama (1975) is hereby amended to read as follows:

"Section 11-100-7.

"Nothing in this chapter shall be construed as authorizing the pledging of the faith and credit of the State of Alabama or any of its revenues, either for the performance of the obligations of the state under this chapter or for the payment of any bonds. Nothing herein, or in any agreement entered into pursuant to this chapter, shall be construed to require the legislature to make any appropriation

pursuant to this chapter. It is the intent of the legislature that any appropriation made pursuant to this chapter shall only be made from additional state transaction ledgering tax generated by eligible convention facilities as provided herein ~~and that nothing herein, or in any agreement entered into pursuant to this chapter, shall be construed to un earmark any funds currently being collected and deposited in the general fund pursuant to Section 40-26-20.~~"

Section 40. Section 16-15-11, Code of Alabama (1975) is hereby amended to read as follows:

"Section 16-15-11.

"For the purpose of providing funds to enable the authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of this chapter, and to accomplish the objects of its creation, there is hereby irrevocably pledged to such purpose and hereby appropriated such amount of money as may be necessary for such purpose out of the residue of the receipts from the excise tax known as the state transaction sales tax levied by ~~sections 40-23-1 through 40-23-38, section 4 of the Alabama Transaction Tax Act of 1992~~ after there shall have been taken therefrom the amounts necessary to meet all prior charges thereon, ~~including the appropriations for other than educational purposes made in Section 40-23-35~~ and such amounts as may be necessary to pay the principal of and the interest on the bonds of the State of Alabama issued under Amendment 117 to the Constitution of Alabama, ~~said residue constituting that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama special educational trust fund. If the said residue of the said sales tax herein pledged and appropriated is insufficient to pay at their respective maturities the principal of and the interest on the bonds issued under the provisions of this chapter, there is hereby irrevocably pledged to the payment of said principal and interest and hereby appropriated to that purpose some much as may be necessary therefor of the residue of the receipts from the excise tax known as the use tax levied by Section 40-23-60 through 40-23-88, after there shall have been taken therefrom the amount necessary to meet the expenses of said department, said residue constituting that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama special educational trust fund.~~ The moneys hereby appropriated and pledged will constitute a sinking fund for the purpose of paying the principal of and interest on the bonds of the authority."

Section 41. Section 16-16-11, Code of Alabama (1975) is hereby amended to read as follows:

"Section 16-16-11.

"(a) For the purpose of providing funds to enable the authority to pay at their respective maturities the principal of and interest on any bonds issued by it under the provisions of the chapter and to accomplish the objects of this chapter,

there is hereby irrevocably pledged to such purpose and hereby appropriated such amount of money as may be necessary for such purpose out of the residue of the receipts from the excise tax known as the state transaction sales tax levied by Sections 40-23-1 through 40-23-38, after there shall have been taken therefrom the amounts appropriated for other than educational purposes in Section 40-23-35 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), section 4 of the Alabama Transaction Tax Act of 1992, and after taking from the said residue amounts sufficient to meet all prior charges on the said residue including:

(1) Such amounts as may be necessary to pay the principal of and the interest on the bonds of the state of Alabama issued under amendment 117 to the Constitution of Alabama; and

(2) Such amounts as may be necessary to pay the principal of and the interest on the bonds of Alabama education authority authorized in Section 16-15-1 through 16-15-10.

~~"(b) If the said residue of the receipts from the said sales tax that remains after taking therefrom the amounts necessary to meet the said prior charges thereon, and that is herein pledged and appropriated, shall be insufficient to pay at their respective maturities the principal of the interest on the bonds issued under the provisions of this chapter, there is hereby irrevocably pledged to the payment of said principal and interest and hereby appropriated to that purpose so much as may be necessary therefor of the residue of the receipts from the excise tax known as the use tax levied by Sections 40-23-60 through 40-23-88, after there shall have been taken from said receipts the amount necessary to meet the expenses of the State Department of Revenue and collecting the same (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after taking from the said residue such amounts as may be necessary to meet all prior charges of the said residue including:~~

~~(1) Such amounts as may be necessary to pay the principal of and the interest on the bonds of the State of Alabama issued under Amendment 117 to the Constitution of Alabama; and~~

~~(2) Such amounts as may be necessary to pay the principal of and the interest on the said bonds authorized in Section 16-15-1 through 16-15-10.~~

"(b) (e) All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and the interest on the bonds herein authorized.

"(c) (d) As security for the payment of the principal of and interest on the bonds issued under this chapter, the corporation is authorized to pledge the

proceeds of the appropriation and pledge herein provided for."

Section 42. Section 40-12-4, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-12-4.

"(a) In order to provide funds for public school purposes, the governing body of each of the several counties in this state is hereby authorized by ordinance to levy and provide for the assessment and collection of franchise, excise and privilege license taxes with respect to privileges or receipts from privileges exercised in such county, which shall be in addition to any and all other county taxes heretofore or hereafter authorized by law in such county. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. All the proceeds from any tax levied pursuant to this section less the cost of collection thereof shall be used exclusively for public school purposes, including specifically and without limitation capital improvements and the payment of debt service on obligations issued therefor.

"(b) Notwithstanding anything to the contrary herein, said governing body may levy a tax based on gross receipts only in accordance with the provisions of section 25 of the Alabama Transaction Tax Act of 1992 ~~said governing body shall not levy any tax hereunder measured by gross receipts, except a sales or use tax which parallels, except for the rate of tax, that imposed by the state under this title. Any such sales or use tax on any automotive vehicle, truck trailer, trailer, semi-trailer or travel trailer required to be registered or licensed with the probate judge, where not collected by a licensed Alabama dealer at time of sale, shall be collected and fees paid in accordance with the provisions of sections 40-23-104 and 40-23-107, respectively.~~ No such governing body shall levy any tax upon the privilege of engaging any business or profession unless such tax is levied uniformly and at the same rate against every person engaged in the pursuit of any business or profession within the county; except, that any tax levied hereunder upon the privilege of engaging in any business or profession may be measured by the number of employees of such business or the number of persons engaged in the pursuit of such profession. In all counties having more than one school system, revenues collected under the provisions of this section shall be distributed within such county on the same basis as funds received by the county from the minimum program fund are distributed within the county."

Section 43. Section 40-12-6, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-12-6.

"In all cases where the governing body of any of the several counties requests by resolution for the administration and collection of such taxes by the state department of revenue, the administration and collection thereof shall be made in the manner and in accordance with the provisions of sections 11-51-180 through 11-51-185, in like manner as the same pertains to cities or towns as therein provided. Notwithstanding anything to the contrary herein, the provisions of this section shall not apply to any local transaction tax imposed by a governing body pursuant to the authority of section 25 of the Alabama Transaction Tax Act of 1992."

Section 44. Section 40-12-7, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-12-7.

"All such taxes collected by the department of revenue shall be collected and remitted to the governing bodies of the various counties in the manner as provided for the collection of taxes for cities or towns as provided in sections 11-51-180 through 11-51-185, and the department of revenue is authorized to charge the counties for collecting said taxes its actual cost, not to exceed five percent of the amount collected, and to do any and all things pertaining to the collection of said taxes for the various counties as said department is authorized to do in collecting taxes for cities and towns as provided in sections 11-51-180 through 11-51-185. Notwithstanding anything to the contrary herein, the provisions of this section shall not apply to any local transaction tax imposed by a governing body pursuant to the authority of section 25 of the Alabama Transaction Tax Act of 1992."

Section 45. Section 40-21-85, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-21-85.

"(a) The provisions of this article shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act Division 1 of article 1 of act 23 of this Title, for administering and collecting the tax therein levied, and for such purposes there are hereby incorporated into this article by reference the provisions of Sections 40-23-8 through 40-23-23, 40-23-25 and 40-23-27 through 40-23-32, together with the definitions applicable to said sections contained in Section 40-23-1; provided, that in the event of the repeal of such division, such repeal shall not operate to eliminate the tax collection procedures contained therein to the extent they are incorporated in this article by reference, unless the legislation providing for such repeal clearly indicate such result. The taxes herein levied shall be due and payable as follows:

(1) Any taxpayer liable for taxes under the provisions of this subdivision

whose average monthly tax liability was less than \$10,000.00 during the preceding calendar year shall remit such taxes in accordance with section 40-23-7 the procedures set forth in Section 14 of the Alabama Transaction Tax Act of 1992 as said procedures apply to monthly state transaction tax liabilities of less than \$1,000.00.

(2) Any taxpayer liable for taxes under the provisions of this subdivision whose average monthly tax liability was \$10,000 or greater during the preceding calendar year shall make estimated payments to the revenue department on or before the 20th day of the month in which the liability occurred.

"(b) The amounts of the payment shall be at least equal to the taxpayer's actual tax liability for the same calendar month of the preceding year.

"(c) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of its final liability shall be applied to either increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than twentieth of the month next succeeding the month in which the tax accrues. The provisions of Section 40-23-7 Article 1 of the Alabama Transaction Tax Act of 1992 shall apply to the filing of the monthly tax liability report.

"(d) In those instances where a taxpayer due to divestiture compliance with a lawful order of a court of competent jurisdiction, or the sale of a portion of the business on which said tax is applicable, where such divestiture compliance or sale reduces the gross revenues of the taxpayer, the commissioner of revenue shall determine for a period of 12 months following such divestiture compliance or sale the monthly estimated tax liability and shall consider among others, the financial historical data and the percentage of divestiture or sale of said business of the taxpayer. Following the 12-month period, taxes shall be remitted in accordance with subsection (c) of this Section.

"(e) In those instances where there is no preceding calendar year for purposes of determining the tax liability of any taxpayer, the commissioner of revenue shall determine for a period of 12 months the monthly estimated tax liability for the taxpayer. Following the 12-month period, taxes shall be remitted in accordance with subsection (c) of this Section."

Section 46. Section 40-21-106, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-21-106.

"The tax herein levied shall be collected in accordance with the procedures set forth in the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act. ~~for collecting the use tax described in article 2 of chapter 23 of this Title, and for that purpose there are hereby incorporated into this article by~~

~~reference the provisions of Section 40-23-68 through 40-23-78, 40-23-80 through 40-23-84 and 40-23-86 through 40-23-88; provided, that whenever in said provisions the words "this article" shall appear, the same for the purposes of this article shall be construed to mean "this article"; provided further, that wherever in said provisions reference shall be made to March 1, 1930, the same for the purposes of this article shall be construed to mean September 1, 1960; provided further, that wherever in said provisions reference shall be made to June 30, 1930, the same shall for the purposes of this article mean that certain day one calendar month subsequent to September 1, 1960; provided further, that none of the said provisions shall apply to the United States of America or to any agency or department of the United States of America; provided, further, that the tax herein levied shall be collected monthly, and all reports and records respecting the said tax herein levied shall be made on a monthly basis, and, to that end, wherever in said provisions the word "quarterly" shall appear, the same for the purpose of this article shall be construed to mean "monthly"; and wherever in said provisions the words "three months" shall appear, the same for the purposes of this article shall be construed to mean "one month."~~

Section 47. Section 40-21-122, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-21-122.

"There are hereby specifically excluded from the gross receipts or gross sales of a cellular provider, upon which the tax herein levied is calculated, all portions thereof derived from the following:

(1) The furnishing of cellular telephone services which the State of Alabama is prohibited from taxing under the constitution or laws of the United States of America or the constitution of the state of Alabama;

(2) The furnishing of cellular telephone services which are otherwise taxed under the provisions of ~~Sections 40-23-1 through 40-23-36~~ Article 1 of the Alabama Transaction Tax Act of 1992; and

(3) Wholesale sales."

Section 48. Section 40-29-73, Code of Alabama (1975) is hereby amended to read as follows:

"Section 40-29-73.

"(a) General rule. - Any person required to collect, truthfully account for, and/or pay over any tax imposed by sections 40-17-2, 40-17-220, 40-18-71, 40-21-82, 4 of the Alabama Transaction Tax Act of 1992 ~~40-23-2, 40-23-61, 40-26-1~~ and any other local transaction sales, use, and gross receipts taxes

collected by the state department of revenue who willfully fails to collect such tax, or truthfully account for, and/or pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable for a penalty up to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

"(b) Extension of period of collection where bond is filed.

"(1) IN GENERAL. - If, within 30 days after the day on which notice and demand of any penalty under subsection (a) is made against any person, such person:

- a. Pays an amount which is not less than the minimum amount required to commence a proceeding in court with respect to his liability for such penalty;
- b. files a claim for refund of the amount so paid; and
- c. furnishes a bond which meets the requirements of subdivision (3);

No levy or proceeding in court for the collection of the remainder of such penalty shall be made, begun, or prosecuted until a final resolution of a proceeding begun as provided in subdivision (2).

"(2) SUIT MUST BE BROUGHT TO DETERMINE LIABILITY FOR PENALTY. - If, within 30 days after the day on which his claim for refund with respect to any penalty under subsection (a) is denied, the person described in subdivision (1) fails to begin a proceeding in the appropriate court of the determination of his liability for such penalty, subdivision (1) shall cease to apply with respect to such penalty, effective on the day following the close of the thirty-day period referred to in this subdivision.

"(3) BOND. - The bond referred to subdivision (1) shall be in such form and with such sureties as the commissioner may by regulations prescribe and shall be in an amount equal to one and one-half times the amount of excess of the penalty assessed over the payment described in subdivision (1).

"(4) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS ON COLLECTION. - The running of the period of limitations provided in section 40-29-50 on the collection by levy or by a proceeding in court in respect of any penalty described in subdivision (1) shall be suspended for the period during which the commissioner is prohibited from collecting by levy or a proceeding in court.

"(5) JEOPARDY COLLECTION. - If the commissioner makes a finding that the collection of the penalty is in jeopardy, nothing in this subsection shall prevent the immediate collection of such penalty."

Section 49. Sections 11-51-200 through 11-51-207, Code of Alabama (1975) are hereby repealed.

Section 50. Section 34-27-65, Code of Alabama (1975) is hereby repealed.

Section 51. Sections 40-12-220 through 40-12-227, Code of Alabama (1975) are hereby repealed.

Section 52. Sections 40-23-1 through 40-23-121, Code of Alabama (1975) are hereby repealed.

Section 53. Sections 40-26-1 through 40-26-21, Code of Alabama (1975) are hereby repealed.

Section 54. Severability. The provisions of this act are severable. If any clause, sentence, paragraph, section or part of this act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the remainder of this act. The effect of any such declaration shall be confined to the clause, sentence, paragraph, section, or part of this act which is declared invalid or unconstitutional.

Section 55. Effect of repeal of prior acts. The repeal of a prior act by this act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act, before its repeal.

Section 56. Effective date. (a) This act shall become effective for all taxable years or periods beginning after December 31, 1992, if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law;

(b) Notwithstanding subsection (a), the provisions of this act shall be effective with respect to the liability of organizations described in 26 U.S.C. § 501(c) (3) for sales, use, and leasing of tangible personal property taxes only for years beginning after December 31, 1993: and, provided, further, that the provisions of law in effect on December 31, 1993, shall apply in determining such liability before January 1, 1994.

(c) Notwithstanding subsection (a), the provisions of this act shall not apply, and the provisions of law in effect on December 31, 1992, shall apply in determining the liability for leasing of tangible personal property taxes with respect to property subject to leases entered into before January 1, 1993.

Amend H. 245, on Page 7, line 33, by deleting "three percent" and adding in lieu thereof the following: "two and one-half percent."

Further amend on Page 22, Lines 21-22, by deleting "three percent" and adding in lieu thereof the following: "two and one-half percent."

Amend House Bill 245, as substituted, on Page 12, Line 25, by inserting the following subparagraph before paragraph (b): "(23) Any sale to the governing body of any agency or instrumentality of any county or municipality within the state of Alabama, other than any sale to such an agency or instrumentality of property that shall immediately thereafter become or at the time of such sale is intended or expected by the governing board of such agency or instrumentality thereafter to become property treated as owned for federal income tax purposes by any individual, partnership or corporation organized for profit even though title to such property may continue to be held by such agency or instrumentality following such sale."

Amend House Bill 245, as substituted, on Page 24, Line 32, by deleting the phrase "Alabama School Authority" and inserting in lieu thereof the following: "Alabama Public School and College Authority"

Amend House Bill 245, as substituted, on Page 33, Line 23, after the "period" by inserting the following language: "The Department of Revenue shall send to any municipality for which the department collects municipal transaction taxes a monthly report of taxes collected by vendor in and for the benefit of that municipality."

Amend House Bill 245, as substituted, on Page 26, Line 17, by inserting after the word "a" the following: "transaction"

Further amend House Bill 245, on Page 26, Line 28, by inserting after the period "." the following: "Nothing herein shall prohibit the levy or collection of municipal privilege license taxes, occupational license taxes, franchise taxes, permit fees, or taxes on commodities including, but not limited to, alcoholic beverages, petroleum products and tobacco products as heretofore authorized by law."

Amend House Bill 245 as substituted on page 4 following line 2 by adding the following new subsection (e) and renumbering all subsequent subsections accordingly: "(e) Food - the term "food" shall have the same meaning as defined for food stamp purposes in the Federal Food Stamp Act, 7 U.S.C., Sections 2011, et seq."

Further amend the bill on page 7, line 23 by striking the following: "(f) and (g)" and inserting in lieu thereof the following: "(f), (g) and (h)".

Further amend the bill on page 8, line 5 by striking the word "and".

Further amend the bill on page 8, line 10 by striking the period "." and inserting in lieu thereof the following: "; and"

Further amend the bill on page 8 following line 10 by adding the following new subsection (h) as follows:

"(h)(1) There is hereby imposed a tax of four percent of the gross receipts from the sale or use of food for taxable periods beginning with the effective date of this act.

(2) There is hereby imposed a tax of three percent of the gross receipts from the sale or use of food for taxable periods beginning January 1, 1993.

(3) There is hereby imposed a tax of two percent of the gross receipts from the sale or use of food for taxable periods beginning January 1, 1994.

(4) There is hereby imposed a tax of one percent of the gross receipts from the sale or use of food for taxable periods beginning January 1, 1995.

(5) There is hereby exempt from any state transaction tax on the sale or use of food for taxable periods beginning January 1, 1996."

Further amend the bill on page 26, line 17 following the word "tax" in its first occurrence by inserting the following: "and the state taxable treatment of food"

Further amend the bill on page 29, line 24 following the period "." by inserting the following:

"The department of revenue shall collect the tax imposed by this Article, except as provided above, if the tax imposed is identical to the state transaction tax in every respect except for the rate of tax and the state taxable treatment of food."

Amend House Bill 245, as substituted, on Page 29, Line 25, by adding a new section 30 to read as follows and renumbering the subsequent sections accordingly.

Section 30. Fee for collection local transaction tax. The department of revenue shall charge a municipality for collecting a local transaction tax authorized by Section 25 of this Act the cost to the department of making such collections; provided, however, that such charge shall not exceed five percent of the amount collected. The department of revenue shall charge a county for collecting a local transaction tax authorized by Section 25 of this Act the cost to the department of making such collections; provided, however, that such charge shall not exceed five percent of the amount collected. The comptroller shall once each month draw his warrant on the funds collected under this Article payable to the department of revenue for the amount of such charges as determined by the commissioner of revenue.

Amend House Bill 245 on page 4, line 4 after the word "act" by inserting the following: ", including any consumer excise taxes levied on any goods,".

On page 49, line 19, after the language "26 U.S.C. §501(c)(3)" insert the following language: ", but excluding the Jefferson County Tuberculosis Sanitarium, which shall be subject to the tax levied pursuant to this act,

On page 49, line 19, after the language "26 U.S.C. §501(c)(3)" insert the following language: but excluding any certificated or licensed air carrier with a hub operation within the state, for use in conducting intrastate; interstate, or foreign commerce for transporting people or property by air; a hub operation meaning there originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year and passengers or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier; such air carriers shall be subject to the tax levied pursuant to this act,

On page 15, after line 17, add the following Section and renumber the remaining sections:

Section 7. (a) The Diabetes Trust Fund, Incorporated, and any of its branches or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(b) The Chilton County Rescue Squad is exempted from paying any state, county, or municipal transaction, sales or use taxes.

(c) The state headquarters only of the American Legion, the American Veterans of World War II, Korea and Vietnam (a/k/a "AMVETS"), the Disabled American Veterans, the Veterans of Foreign Wars (a/k/a VFW), Alabama Goodwill Industries, and the Alabama Sight Conservation Association are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(d) The Grand Chapter of all Orders of the Eastern Star and the South Alabama State Fair Association Southeastern Livestock Exposition and any of its agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(e) The Alabama Goodwill Industries, Incorporated, of Birmingham is exempted from paying any state, county, or municipal, transaction, sales, or use taxes.

(f) The Alabama Federation of Women's Clubs is exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(g) The National Conference of State Legislatures and the Council of State Governments are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(h) All blind vendors associated with the business enterprise program of the

Division of Rehabilitation and Crippled Children Service through the Department of Education are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(i) All vendors who are blind as defined by Section 1-1-3, and who are certified by Division of Rehabilitation and Crippled Children Service, are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(j) The Elks Club, B.P.O.E., No. 1887, a corporation, is exempted from paying any state, county, or municipal transaction, sales, or use taxes. The exemption provided by this subsection shall not extend to any bar or dining room operation conducted by the Elks Club.

(k) The King's Ranch, Incorporated, is exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(l) The Eye Foundation, Incorporated, and any of its branches or agencies, heretofore, or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(m) Any county public hospital association and any of its branches, agencies, lessees or successors organized pursuant to Chapter 3A (commencing with Section 10-3A-1) of Title 10 of the Code of Alabama 1975, and which operates or maintains hospitals for counties and for purposes other than for pecuniary gain and not for individual profit, is exempted from paying any state, county, or municipal transaction, sales, or use taxes.

(n) There is exempted from all state, county, and municipal transaction or sales taxes the sale of food pursuant to the food distribution program conducted by Christian Service Mission, Incorporated, an Alabama not-for-profit corporation, in cooperation with World Share, Incorporated, to enable needy persons to purchase food at substantially discounted prices and in consideration of the performance of charitable or community work by needy persons.

(o) Rescue service organizations operating within the state of Alabama which are exempt from federal income taxes under the Internal Revenue Code of 1986, Section 501(c)(3) and which are members of the Alabama Rescue Services Association, Incorporated, are exempted from any state, county, and municipal transaction, sales, and use taxes.

(p) The Selma-Dallas County Historic Preservation Society and the Valeygrande County Center are exempted from paying any state, county, or municipal transaction, sales, or use taxes.

Amend House Bill 245 as substituted on page 25, lines 15 through 35 and

page 26 lines 1 through 8 by striking in their entirety and inserting in lieu thereof the following:

"(1) For the fiscal year beginning in 1992, 15.90% to the State General Fund, and the remainder to the Alabama Special Educational Trust Fund.

(2) For the fiscal year beginning in 1993, \$16,350,000 to the counties and municipalities that received distributions of financial institution excise tax during the fiscal year beginning in 1991, such amount to be distributed in the proportions determined by averaging the proportion of the total financial institution excise tax each such county and municipality received during the fiscal years beginning in 1989, 1990, and 1991; 18.77% to the State General Fund; and the remainder to the Alabama Special Educational Trust Fund.

(3) For the fiscal year beginning in 1994, 22.91% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(4) For the fiscal year beginning in 1995, 24.53% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(5) For the fiscal year beginning in 1996, 25.90% to the State General Fund and the remainder to the Alabama Special Educational Trust Fund.

(6) For the fiscal year beginning in 1997 and each fiscal year thereafter, 1.56% to the counties and municipalities that collected the shares tax imposed by section 70 of chapter 14 of title 40 of the Code of Alabama 1975, during the ad valorem tax year ending September 30, 1996, such amount to be distributed among such counties and municipalities in such proportion as the average amount of shares tax collected by each such county and municipality with respect to the ad valorem tax years beginning October 1 of 1994, 1995, and 1996 bears to the average amount of shares tax collected by all such counties and municipalities with respect to such years, 26.00% to the State General Fund, and the remainder to the Alabama Special Educational Trust Fund."

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

Nay:

Representative Buskey (JE).

- 1

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 246. To authorize the abatement of local ad valorem taxes (other than those imposed for public school purposes and for capital improvements for public education), construction related transactions taxes, and mortgage and recording taxes incurred in establishing or expanding industries in Alabama; provides a procedure for granting the abatement of local ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes; limits the tax exemptions available through various public agencies and authorities and local governments; to require additional reporting of county tax assessing officials so that the annual abstract of property identifies and lists property by class and by public school system within the county; to provide transition rules; to preserve rights and obligations accrued under repealed laws; to provide for the severability of any invalid provision; to provide effective dates; to amend Section 40-7-35 and to repeal Sections 40-9-40 through 40-9-49, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 246, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To authorize the abatement of ad valorem taxes, other than those imposed

for public school purposes and for capital improvements for public education, construction related transaction taxes, and mortgage and recording taxes incurred in establishing or expanding industries in Alabama; to provide a procedure for granting the abatement of ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes; to limit the abatements available through various public agencies and authorities and local governments; to require additional reporting of county tax assessing officials so that the annual abstract of property identifies and lists property by class and by public school system within the county; to provide transition rules; to preserve rights and obligations accrued under repealed laws; to provide for the severability of any invalid provision; to provide effective dates; and to amend Section 40-7-35, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

ARTICLE ONE

Section 1. Short title. This act shall be known and may be cited as the "Tax Incentive Reform Act of 1992."

Section 2. Legislative findings. The Legislature recognizes the importance of industrial development to the well being of the people of the state. The Legislature also recognizes that industries are attracted by a number of factors, including natural resources, a well-trained workforce, good roads, and excellent education. The Legislature also recognizes that in some cases additional incentives are required to succeed in attracting new industries and encouraging existing industries to expand and therefore intends to continue to allow county and municipal governments and certain public corporations to provide substantial tax incentives.

Section 3. Definitions. For purposes of this act, the following words and phrases mean:

(a) **ABATE, ABATEMENT.** A reduction or elimination of a taxpayer's liability for tax. An abatement of transaction taxes imposed under Chapter 23 of Title 40, Code of Alabama 1975, shall relieve the seller from the obligation to collect and pay over the transaction tax as if the sale were to a person exempt, to the extent of the abatement, from the transaction tax.

(b) **CONSTRUCTION RELATED TRANSACTION TAXES.** The transaction taxes imposed by Chapter 23 of Title 40, Code of Alabama 1975, on tangible personal property and taxable services incorporated into an industrial development property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses.

(c) **EDUCATION TAXES.** Ad valorem taxes that must, pursuant to the Constitution of Alabama of 1901, as amended, legislative act, or the resolution or

other action of the governing board authorizing the tax, be used for educational purposes or for capital improvements for education.

(d) **INDUCEMENT.** Refers to an agreement, or an "inducement agreement," entered into between a private user and a public authority or county or municipal government and/or a resolution or other official action, an "inducement resolution," "inducement letter," or "official action" adopted by a public authority or county or municipal government, in each case expressing, among other things, the present intent of such public authority or county or municipal government to issue bonds in connection with the private use property therein described.

(e) **INDUSTRIAL DEVELOPMENT PROPERTY.** Real and/or personal property acquired in connection with establishing or expanding an industrial or research enterprise in Alabama.

(f) **INDUSTRIAL OR RESEARCH ENTERPRISE.** Any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733, and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget.

(g) **MAJOR ADDITION.** Any addition to an existing industrial development property that equals the lesser of: 30 percent of the original cost of the industrial development property or two million dollars (\$2,000,000). For purposes of this subsection, the original cost of existing industrial development property shall be the amount of industrial development property with respect to which an abatement was granted under this act when the property was constructed, or if the existing industrial development property was constructed before January 1, 1993, the maximum amount that would have been allowed if the provisions of this act had applied at the time it was constructed. Only property that constitutes industrial development property shall be taken into account in making the determination in the previous sentence.

(h) **MAXIMUM EXEMPTION PERIOD.** A period equal to the shorter of:

(1) Twenty years from and after:

(A) The date of initial issuance by a county, city, or public authority of bonds to finance any costs of a private use property, or

(B) If no such bonds are ever issued, the later of: (i) the date on which title to such property was acquired by or vested in such county, city, or public authority, or (ii) the date on which such property is or becomes owned, for federal income tax purposes, by a private user; or

(2) The weighted average economic life of the assets comprising such property, determined consistently with the provisions of 26 U.S.C. § 147(b) and

measured from the date such property is placed in service.

(i) **MORTGAGE AND RECORDING TAXES.** The taxes imposed by Chapter 22 of Title 40, Code of Alabama 1975.

(j) **NONEDUCATIONAL AD VALOREM TAXES.** Ad valorem taxes imposed by the state, counties, municipalities, and other taxing jurisdictions of Alabama that are not required to be used for educational purposes or for capital improvements for education.

(k) **PERSON.** Includes any individual, partnership, trust, estate, or corporation.

(l) **PRIVATE USER.** Any individual, partnership, or corporation organized for profit that is or will be treated as the owner of private use property for federal income tax purposes.

(m) **PRIVATE USE INDUSTRIAL PROPERTY.** Private use property that also constitutes industrial development property.

(n) **PRIVATE USE PROPERTY.** Any real and/or personal property which is or will be treated as owned by a private user for federal income tax purposes even though title may be held by a public authority or municipal or county government.

(o) **PUBLIC AUTHORITY.** A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of 1901 or a general or local law that authorized it to issue bonds, the interest on which is exempt from the Alabama income tax, as in effect on the effective date of this act.

(p) **PUBLIC INDUSTRIAL AUTHORITY.** A public authority authorized to issue bonds to acquire, construct, equip or finance industrial development property.

Section 4. Authorization of abatement.

(a) Noneducational ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes may be abated with respect to private use industrial property and security documents and other recordable documents associated therewith as provided in this act.

(b) No abatement of noneducational ad valorem taxes may exceed the maximum exemption period. No further abatement with respect to the same private use industrial property may be granted unless there is a major addition to the property, in which event abatement may be granted only with respect to the noneducational ad valorem taxes on the major addition by complying with the procedures set forth in this act.

(c) An abatement of construction related transaction taxes shall apply only to tangible personal property and taxable services incorporated into a private use industrial property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses. No abatement of construction related transaction taxes shall extend beyond the date the private use industrial property is placed in service. No further abatement may be granted for construction related transaction taxes with respect to the private use industrial property unless incurred in connection with a major addition, in which event only construction related transaction taxes that may be added to capital account with respect to the major addition, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses, may be abated by complying with the procedures set forth in this act.

(d) Mortgage and recording taxes with respect to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the public authority or county or municipal government with respect to a private use industrial property may be abated by complying with the procedures set forth in this act.

(e) An abatement under this section may be granted only with respect to private use industrial property that has not previously been placed in service by the private user who is applying for the abatement or by a person who is a related party, as defined in 26 U.S.C. § 267, with respect to such private user.

Section 5. Granting of abatement

(a) Subject to the geographical or jurisdictional limitations specified in subsection (b), the governing body of a municipality, a county, or a public industrial authority may grant abatements of all of the taxes allowed to be abated under Section 4 with respect to private use industrial property, but only in conjunction with or in anticipation of the financing by such municipality, county, or public industrial authority of such private use industrial property through the issuance of bonds or other indebtedness by such municipality, county, or public industrial authority to a person or persons none of whom or which is a related party, as defined in 26 U.S.C. § 267, with respect to the private user of such private use industrial property.

(b) The abatements authorized to be granted pursuant to subsection (a) may be granted:

(1) By the governing body of a municipality, with respect to private use industrial property located within the limits of the municipality or within the police jurisdiction of the municipality.

(2) By the governing body of a county, with respect to private use industrial

property located in the county and not within a municipality or the police jurisdiction of a municipality, unless consented to by resolution of the governing body of the municipality.

(3) By the governing body of a public industrial authority, with respect to private use industrial property located within the jurisdiction of the public industrial authority.

Section 6. Procedure for granting abatement.

(a) Any person who proposes to become a private user of industrial development property or of a major addition may apply to the governing body of any municipality, county, or public industrial authority, at or about the time that private user is requesting inducement, for an abatement of all of the taxes allowed to be abated under Section 4 with respect to such property. The application shall contain information that will permit the governing body to which it is submitted to make a reasonable cost/benefit analysis as to the proposed industrial development property and to determine the maximum exemption period for the abatement of noneducational ad valorem taxes.

(b) The abatements granted by the governing body shall be embodied in an agreement, which may be the same as the inducement, between the governing body and the private user, setting forth:

(1) The estimated amount of each abatement and the maximum exemption period.

(2) Good-faith projections by the private user of: the amount to be invested; the number of individuals to be employed, initially and in the succeeding three years; and the payroll.

(c) The private user shall file with the Department of Revenue within 90 days after the granting of the abatements a copy of the agreement required by subsection (b), the contents of which the department shall use solely for its statistical and record-keeping activities but shall otherwise keep confidential unless consented to in writing by the private user.

ARTICLE TWO

Section 7. Private use property; taxation thereof.

(a) Notwithstanding any other provision of law, if a public authority or county or municipal government has title to or a possessory right in private use property, then:

(1) The property shall be subject to ad valorem taxes as if the private user held title to the property.

(2) The private user of the property shall be liable for construction related transaction taxes as if the private user held title to such property.

(3) The private user of the property shall be subject to the recording taxes for mortgages, deeds, and documents relating to the issuance or securing of obligations and the conveyance of title to property into and out of a public authority.

(b) A private user of property described in subsection (a) may apply for, and if the property constitutes industrial development property, be granted abatements of ad valorem, construction related transaction taxes, and mortgage and recording taxes as described in Article 1 of this act.

(c) The rule of subsection (a) (1) shall not apply to local ad valorem taxes if a private user was entitled to use the property pursuant to a lease or other agreement entered into before October 1, 1993, or would be entitled to use the property at some future time pursuant to inducement entered into or adopted before October 1, 1993, provided, however, that this subdivision shall apply only to the property and the amount of capital expenditures set out in such inducement, subject to de minimis deviations.

(d) The rule of subsection (a) (2) shall not apply to construction related transaction taxes if a private user was entitled to use the property pursuant to a lease or other agreement entered into before January 1, 1993, or would be entitled to use the property at some future time pursuant to inducement entered into or adopted before January 1, 1993, provided, however, that this subdivision shall apply only to the property and the amount of capital expenditures set out in such agreement, subject to de minimis deviations.

(e) The rule of subsection (a) (3) shall not apply to mortgage and recording taxes with respect to property if a private user was entitled to use the property pursuant to a lease or other agreement entered into before January 1, 1993, or would be entitled to use the property at some future time pursuant to inducement entered into or adopted before January 1, 1993, provided, however, that this subdivision shall apply only to the property specified in such agreement, subject to de minimis deviations.

(f) Nothing in this act shall affect the exemption of any health care facility owned by a health care authority under Title 22, Chapter 21, Article 11, Code of Alabama 1975. Nothing in this act shall affect the exemptions from all ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes with respect to industrial development property that is owned for federal income tax purposes by a public authority or county or municipal government.

ARTICLE THREE

Section 8. Section 40-7-35, Code of Alabama 1975, is amended to read as follows:

"§40-7-35. Same abstracts of property contained in book.

"When the book of assessments has been completed, the county tax assessor must without delay make out in triplicate, upon forms to be furnished by the Department of Revenue, a complete abstract of all real and personal property as contained in the assessment book of his the county, identified by each public school system of the county and listing the same for each public school system of the county therein, showing the total amount and value of each class of taxable property, including specifically the total amount and value of each class of taxable property defined in Section 40-8-1, as amended, as Class III property that is appraised according to its current use value and the total amount and value of such Class III property that is appraised according to its fair and reasonable market value, property exempt from taxation and the amount of taxes of each item, extended in a column; such abstract of assessment must be approved and certified to by the Department of Revenue, one copy of which the said tax assessor must forward to the Department of Finance not later than the second Monday in August each year, one to the Department of Revenue at Montgomery, and the other ~~he must deliver~~ to the tax collector by said date. The Department of Finance shall report to the Governor any tax assessor who for five days after the date required has failed to forward to the Department of Finance the abstract of assessment of his the county, identified by each public school system of the county and listing the same for each public school system of the county therein, and the Governor shall forthwith require of ~~each~~ the tax assessor an official report of the cause of ~~such~~ the failure."

Section 9. Effect of repeal. The repeal of a prior act or part thereof by this act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act before its repeal.

Section 10. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the parts that were not declared invalid or unconstitutional.

Section 11. (a) Except as provided in subsection (b), this act shall be effective for all taxable years or periods beginning after December 31, 1992, if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

(b) With respect to ad valorem taxes, this act shall be effective for all taxable years or periods beginning after September 30, 1993, if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

Amend House Bill 246, as substituted, on Page 4, Line 28, by deleting the word "twenty" and inserting in lieu thereof the word "fifteen".

REGULAR SESSION
27th Day

3101

Amend House Bill 246, as substituted, on Page 7, Line 19, after the word "property," by deleting the words "but only in conjunction with or in anticipation of" and further deleting Lines 20 through 26 and inserting a period "." after the word "property" on Line 19.

Amend House Bill 246, as substituted, on Page 1, Line 11, by deleting the words "10-year" and inserting in its place the word "twelve year".

Further amend House Bill 246, as substituted, on Page 4, Line 28, after the number "(1)" by deleting the words "fifteen years" and inserting in its place the words "twelve years".

Amend H. 246 on page 12 by deleting Section 11 in its entirety and inserting in lieu thereof the following new Section 11:

"Section 11. (a) Except as provided in subsection (b), this act shall be effective for all taxable years or periods beginning after December 31, 1992 and upon its passage and approval of the Governor, or upon its otherwise becoming a law.

(b) With respect to ad valorem taxes, this act shall be effective for all taxable years or periods beginning after September 30, 1993 and upon the passage and approval of the Governor, or upon its otherwise becoming a law

Amend House Bill 246 on page 12 line 12, after the word "law" by inserting the following: "; provided, however, no abatements of Education taxes shall be granted after the effective date of this Act.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 247. To provide for the reporting of tax exempt property by any lessee of the property; to provide for reports from the several county tax assessors and to the State Department of Revenue; and to provide penalties.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 247, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the reporting of tax exempt property by any lessee of the property; to provide for reports from the several county tax assessors and to the State Department of Revenue; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following words and phrases mean:

(a) **PRIVATE USER.** Any individual, partnership, or corporation organized for profit that is or will be treated as the owner of private use property for federal income tax purposes.

(b) **PRIVATE USE PROPERTY.** Any real and/or personal property which is or will be treated as owned by a private user for federal income tax purposes even though title may be held by a public authority or municipal or county government.

(c) **PUBLIC AUTHORITY.** A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of 1901 or a general or local law that authorized it to issue bonds, the interest on which is exempt from the Alabama income tax, as in effect on the effective date of this act.

Section 2. (a) Any private user of private use property leased by the private user from a municipality, county, or public authority of the State of Alabama shall, not later than January 1, 1993, file with the tax assessor of the county in which the leased property is located, the information required by subsection (c) of this section.

(b) In the event any lessee described in subsection (a) of this section is unable to file the information required by subsection (c) of this section by January 1, 1993, such lessee shall on or before January 1, 1993, notify the tax assessor in writing, setting forth the item or items of required information which the lessee is unable to ascertain or calculate, the reason or reasons for such inability, and if the inability to file any one or more of the items of required information can be corrected with additional time, the additional time, not to exceed nine months, which the lessee shall require. In the event any lessee described in subsection (a) of this section shall not have filed either the information required by subsection (c) of this section or the notification described in the preceding sentence of this subsection (b) by January 1, 1993, or having requested additional time as described in the preceding sentence of this subsection (b), shall not have filed within the additional time stated to be required the item or items for the ascertainment or calculation of which the additional time was required, the tax assessor of the county in which the leased property is located shall notify the lessee in writing by certified mail, specifying the action required of the lessee and stating that the same must be performed within 60 days of the date such notice is given, whereupon the lessee shall, within the required period, either file the items or items of missing information or a notification of inability to comply as described in the preceding sentence of this subsection (b).

(c) Every lessee of property described in subsection (a) of this section shall file the following information:

(1) The location of the real property subject to the lease with the public authority, county, or municipality of the State of Alabama.

(2) A list of all improvements to the property since the effective date of the lease with the public authority, county, or municipality of the State of Alabama.

(3) A list of all personal property subject to the lease with the public authority, county, or municipality of the State of Alabama.

(4) The purchase price, or a reasonable estimate thereof, of such real and personal property.

(5) An estimate of the fair and reasonable market value of the property; provided, however, that such estimate may be made without obtaining an appraisal of the property.

(6) The effective date and term of the lease with the public authority,

county, or municipality of the State of Alabama, including any extension or renewal options provided in the lease.

Section 3. Every tax assessor shall, not later than March 1, 1993, forward to the Department of Revenue the following information:

(a) A complete listing of all real property located in the county which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(b) A complete listing of all personal property located in the county which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(c) A complete listing of the purchase price of such real and personal property.

(d) A complete listing of the estimated fair and reasonable market value of such real and personal property.

(e) The estimated tax revenue produced by such real and personal property if taxed at the rates applicable to taxable property located in the same jurisdiction.

(f) A list of all lessees which have not filed the required information by January 1, 1993, including within such list a separate category of those lessees, if any, which shall have submitted a notification of inability as described in the first sentence of subsection (b) of Section 2 and attaching to such list a copy of each such notification of inability. The completeness of the information required to be provided by the tax assessor pursuant to subsections (a) through (e) of this section shall be deemed subject to the list required to be provided pursuant to this subsection (f).

Section 4. The Department of Revenue shall, not later than May 1, 1993, compile the information submitted pursuant to Section 3 of this act and provide to the Legislature the following information:

(a) A complete listing of all real and personal property located in the state which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(b) A complete listing of the estimated fair and reasonable market value of such real and personal property.

(c) The estimated tax revenue produced by such real and personal property if taxed at the rates applicable to taxable property located in the respective jurisdictions.

(d) A copy of all lists, if any, received by the department from tax assessors pursuant to subsection (f) of Section 3 of this act. The completeness of the information required to be provided by the department pursuant to subsections (a) through (c) of this section shall be deemed subject to the list required to be provided pursuant to this subsection (d).

Section 5. A county tax assessor may require any public authority, county, or municipality of the State of Alabama that owns property which must be reported to the assessor under the provisions of Section 2 of this act to provide any information in its possession to such assessor for use in ascertaining the completeness and accuracy of the information provided under Section 2 of this act.

Section 6. If any lessee which is required to file the information required by Section 2 of this act fails to file either such information or a notification of inability as described in the first sentence of subsection (b) of Section 2 within the time frames set forth in said subsection (b), or files false information, or files information that is so incomplete or inaccurate that the county tax assessor is unable to determine the information required by Section 3 of this act with reasonable accuracy, then such lessee shall be liable for a penalty equal in amount to ten dollars (\$10) per month for each month until either such information is supplied, completed, or corrected or a proper notification of inability is filed with the tax assessor. The penalty shall be assessed and collected in accordance with the provisions of Title 40, Code of Alabama 1975, governing the assessment and collection of ad valorem taxes.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend House Bill 247, as substituted, on Page 5, Line 31, as follows: By striking the words and figure "ten dollars (\$10)" and inserting in lieu thereof the words and figure "fifty dollars (\$50)".

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 248. To levy an additional two and one-half mill ad valorem tax and an additional five mill ad valorem tax and provide for the distribution of the respective proceeds therefrom, to provide that the aforesaid levies shall be contingent upon the approval by the qualified electors of the state of, in the case of the two and one-half mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 252 at the 1992 Regular Session of the Legislature, and in the case of the five mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 242 at the 1992 Regular Session of the Legislature.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 248, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To levy an additional two and one-half mill ad valorem tax and an additional five mill ad valorem tax and provide for the distribution of the respective proceeds therefrom, to provide that the aforesaid levies shall be contingent upon the approval by the qualified electors of the state of, in the case of the two and one-half mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 252 at the 1992 Regular Session of the Legislature, and in the case of the five mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 239 at the 1992 Regular Session of the Legislature, and to provide for the establishment and membership of the Economic Development Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Upon the approval by the qualified electors of the state of the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 252 of the 1992 Regular Session of the Legislature, there is hereby levied, commencing with the ad valorem tax year beginning October 1, 1992, and continuing for each ad valorem tax year thereafter, in addition to the taxes levied pursuant to §40-8-2, Code of Alabama 1975, as amended, a special ad valorem property tax at the rate of twenty-five one-hundredths of one percentum per annum, or \$.25 on each \$100 of the assessed value of the taxable property within this state.

Section 2. The proceeds arising from the imposition of the special tax levied pursuant to Section 1 of this act shall be distributed on a percentage basis as follows:

(1) For the use of volunteer fire departments and the paid fire departments and fire districts in the state, 20.025 percent of said proceeds, to be distributed equally among the volunteer fire departments and the paid fire departments and fire districts in the state by the State Forestry Commission.

(2) For the funding of a revolving loan fund for volunteer fire departments, 4.204 percent of said proceeds, to be paid into the State Treasury for use by the State Treasurer in administering the revolving loan fund.

(3) For the use of the Alabama Forestry Commission in its programs and activities, 10.212 percent of said proceeds.

(4) For the use of volunteer rescue squads, 2.353 percent of said proceeds, to be paid to the Alabama Department of Economic and Community Affairs for distribution to rescue squads for payment of the costs of their operation and for the purchase of equipment.

(5) For the use of the Alabama Agricultural and Conservation Development Commission, 13.079 percent of said proceeds.

(6) For the use of the Alabama Department of Economic and Community Affairs to assist counties, municipalities, public corporations and authorities in the implementation and operation of programs for the collection and disposal of solid waste in the state, 8.426 percent of said proceeds.

(7) For the implementation and operation of programs to provide rural health services and medical education programs in rural areas, 8.426 percent of said proceeds, to be administered by the Alabama Family Practice Rural Health Board.

(8) For the establishment and operation of public water systems in the rural

areas, 2.353 percent of said proceeds, through appropriation to the Rural Water Systems Assistance Authority.

(9) For use in implementing the boll weevil eradication program authorized in Article 6 (commencing with Section 2-19-120) of Chapter 19 of Title 2 of the Code of Alabama 1975, as amended, 4.204 percent of said proceeds.

(10) For the development of a program to dispose of hazardous materials containers and waste pesticides on farms and ranches, 2.353 percent of said proceeds, to be administered by the Department of Agriculture and Industries, which program and the appropriation made hereby therefor shall terminate December 31, 1997; and after the termination of said program, 1.549 percent of said proceeds shall be distributed to State Department of Agriculture and Industries for James' market programs and 0.804 percent of said proceeds shall be distributed to Auburn University for use in lean meats research and other nutritional research.

(11) For implementing programs to facilitate long-range economic growth and development in the state, 7.726 percent of said proceeds, such programs (a) to include, but not be limited to, acquisition and development of industrial parks, financing of public and private infrastructure improvements, establishment of revolving loan funds to provide fixed rate loans to private businesses, the provision of start-up funding to promote the development of new products and technologies, funding for programs to assist new businesses during early years, providing interim financing for temporarily distressed businesses, the promotion of exporting of Alabama-manufactured products and raw materials in interstate and international trade and commerce, including the establishment of a trading company to facilitate the sale of Alabama products abroad and the funding of technical assistance for product development, the creation of private sector jobs for all citizens of Alabama, with special emphasis on areas of high unemployment and learning craft centers, and the creation of business opportunities for minorities, and (b) to be administered, further disbursed, and distributed by the Alabama Economic Development Commission established in Section 3 of this Act.

(12) For the development of horticultural research, 1.176 percent of the said proceeds, to be administered by Auburn University.

(13) For the development of agricultural research, 1.176 percent of the said proceeds, to be administered by the Alabama Agricultural and Mechanical University.

(14) For the use of the Department of Conservation and Natural Resources, Parks Division, 3.482 percent of the said proceeds.

(15) For the use of Tannehill State Park, 0.235 percent of the said proceeds.

(16) For the use of Historic Blakely Park, 0.235 percent of the said proceeds.

(17) For use in prevention of drug-related crimes and gang violence, 2.679 percent of said proceeds to be distributed by the Alabama Law Enforcement Planning Agency through one-year grants to law enforcement agencies in the state for the prevention of drug-related crimes and gang violence.

(18) For use in a community corrections program, 1.339 percent of said proceeds, to be administered by the Department of Corrections through a matching grant program with the County Commissions in the state, such grants to provide 1 dollar of funds for every 2 dollars of matching funds provided by the County Commissions.

(19) For use in the programs and activities of the State Fire College at Shelton State Community College, 2.300 percent of said proceeds.

(20) For use by the Alabama State Committee of Public Health through the Emergency Medical Services Division of the Department of Public Health in establishing and maintaining a comprehensive emergency medical services system for the state, 4.017 percent of said proceeds.

Section 3. The Alabama Economic Development Commission is hereby established as an agency of the State and shall consist of three members, one of whom shall be the Director of the Alabama Development Office, one of whom shall be the President of the Business Council of Alabama, and one of whom shall be a person who is an officer of one of the four largest bank holding companies headquartered in Alabama, who shall be appointed by the Governor. The director of the Alabama Development Office and the President of the Business Council of Alabama shall be members of said commission ex officio; the member of said Commission appointed by the Governor as hereinabove provided shall hold office for four years commencing with the effective date of his appointment, or until he shall cease to be an officer of a bank holding company as aforesaid. In the event of a vacancy in the office of the appointed member of the Commission, the Governor shall appoint a successor to complete his term of membership in the same manner as the original appointment was made. A quorum shall consist of two members. The members of the Commission shall not receive any compensation for their service on said Commission, but may be reimbursed from the funds to be distributed to the Commission for reasonable expenses incurred in performing their duties. In the administration of the funds allocated for economic growth and development pursuant to this act, the Commission shall, to the extent reasonably practicable, disburse and distribute all funds each year either directly, through public agencies, or through Alabama non-profit corporations. The Commission shall not duplicate the basic economic development recruiting efforts of the Alabama Development Office.

Section 4. Upon the approval by the qualified electors of the state of the

amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 239 at the 1992 Regular Session of the Legislature, there is hereby levied, in addition to the taxes levied pursuant to §40-81-2, Code of Alabama 1975, as amended, and those levied pursuant to Section 1 hereof, a special ad valorem property tax at the rate of fifty one-hundredths of one percentum per annum, or \$.50 on each \$100 of the assessed value of taxable property within this state. The proceeds arising from the special tax levied pursuant to the provisions of this section shall be used for public school equalization funding purposes, as set forth in said amendment.

Section 5. This act shall become effective upon its signature by the Governor, or upon its otherwise becoming a law.

Amend House Bill 248, as substituted, on Page 3, Line 31, as follows: after the word "state", by deleting the number: "8.426", and inserting in lieu thereof the number "5.748".

Further amend House Bill 248 as substituted on Page 5, after Line 36, by adding the following language:

"(21) For the use of the Alabama Department of Economic and Community Affairs to assist counties, municipalities, public corporations and authorities in the implementation and operation of a program to recycle glass and plastic containers within the state, 2.678 percent of said proceeds."

On page 3, line 10, by inserting after the words "equally among" the words "each individual department of"

And further amend on page 4, line 3 as follows, delete the word "operation" and insert in lieu thereof the word "upgrading"

Amend House Bill 248 on page 4, line 37 after the comma ",", by inserting the following:

"(b) \$500,000 annually for the Economic Development Revolving Loan Funds created by Act 90-650 from the proceeds generated in this section,"

Further amend on page 4, line 37 by deleting the "(b)" and inserting in lieu thereof "(c)".

Amend House Bill 248 on page 3, line 34, after the word "proceeds" by inserting the following: "; provided, however, that \$400,000 annually shall be allocated to the State Health Department to be expended for the transportation of kidney patients for treatment"

REGULAR SESSION
27th Day

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Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Buskey (JE) and Johnson.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 249. To provide for the Franchise Tax Reform Act of 1992; to amend Sections 40-14-40, 40-14-41, 40-14-49, 40-14-52, 40-14-53, 40-14-56, and 10-2A-260 and 10-2A-261 of the Code of Alabama 1975; to repeal Sections 40-14-1 through 40-14-3, inclusive, 40-14-20 to 40-14-23, inclusive, 40-14-41.1, 40-14-42 to 40-14-48, inclusive, 40-14-50, 40-14-51, 40-14-54, 40-14-55, and 40-14-70 to 40-14-74, inclusive, Code of Alabama 1975.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Parker (T), the House non-concurred in the Senate amendment to the bill, H. 249, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 249, on Page 4, Line 30, as follows:

After the word "Alabama" by inserting the following: "or under the laws of the United States having its principal place of business in Alabama".

Further amend House Bill 249 on page 5, line 18, by deleting the word "partner's" and inserting in lieu thereof the word "partners".

Further amend House Bill 249 on page 5, line 30, between the words "or" and "limited" by inserting the following: "10 percent or more of the capital interest in the".

Further amend House Bill 249 on page 8, line 6, after the word "Alabama" by inserting the following: "or under the laws of the United States having its principal place of business in Alabama".

Further amend House Bill 249 on page 8, line 11, after the word "Alabama" by inserting the following: "or organized under the laws of the United States if such other corporations pay a franchise tax to the state of Alabama".

Further amend House Bill 249 on page 8, line 14, after the word "state" by inserting the words "or of the United States".

Further amend House Bill 249 on page 8, line 15, after the word "stock" by inserting the words "in the corporation".

Further amend House Bill 249 on page 8, line 16, between the words "the" and "limited" by inserting the words "capital interests in the".

Further amend House Bill 249 on page 8, line 16, after the word "partnership" by deleting the word "interests".

Further amend House Bill 249 on page 19, line 24, by deleting the word "file" and inserting in lieu thereof the word "filed".

Amend House Bill 249, on Page 9, Line 7, by adding the following after the word "the": "United States or the".

Further amend on Page 22, Line 2, by adding the following after the word "law.": "Notwithstanding any provision to the contrary elsewhere provided by law, during the interim time prior to the repeal of sections 40-14-70 through 40-14-74, Code of Alabama 1975, financial institutions and the shares of financial institutions shall be exempt from the provisions of sections 40-14-70 through 40-14-74, Code of Alabama (1975)."

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 251. To modify the tax imposed on the net income of corporations by repealing Code of Alabama (1975), Sections 40-16-1 through 40-16-8, 40-18-1 through 40-18-85, and 40-18-120 through 40-18-176; to provide for the determination of net income subject to said tax; to provide for the types and categories of income exempt from said tax; to provide for the imposition of a single rate income tax based on federal taxable income; to provide transitional rules and elections to reflect differences between Alabama and federal law; to provide for the collection of the tax by payment with returns, and by estimated tax payments; to provide for the severability of any invalid provision; to repeal conflicting laws; and to provide for effective dates and contingencies.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Parker (T), the House non-concurred in the Senate amendment to the bill, H. 251, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

Amend House Bill 251, on Page 2, Line 24, as follows: after the word "commissioner" insert the words "of revenue".

Further amend House Bill 251 on page 3, line 27, by deleting the word "an" and inserting in lieu thereof the word "and".

Further amend House Bill 251 on page 4, line 31 through page 5, line 2, by deleting the language following "Private use property." and inserting in lieu thereof the following language: "Property that is treated for federal income tax purposes as owned by an individual, partnership, or corporation organized for profit even though title may be held by a public authority or a county or municipal government."

Further amend House Bill 251 on page 7, line 12, after the word "States" by inserting the following words: "and its territories and possessions and".

Further amend House Bill 251 on page 8, line 29, by deleting the word "exemption" and inserting in lieu thereof the word "subdivision".

Further amend House Bill 251 on page 8, line 34, after the words "26 U.S.C. Section 512" by adding the words "nor to any credit union".

Amend House Bill 251 on page 1, line 27 after the word "payments;" by adding the following:

"To provide for a special asset based tax on credit unions and to exempt credit unions from the tax imposed under this act;"

Further amend the bill on page 9, by striking lines 5 and 6 and inserting in lieu thereof the following:

(4) Credit Unions. In lieu of income tax, credit unions shall pay a special asset based tax calculated as follows:

(a) For taxable year 1993, .00575% of the total assets of the credit union as of the end of the calendar year.

(b) For taxable year 1994, .00634% of the total assets of the credit union as of the end of the calendar year.

(c) For taxable year 1995, .0069275% of the total assets of the credit union as of the end of the calendar year.

(d) For taxable year 1996, .007515% of the total assets of the credit union as of the end of the calendar year.

(e) For taxable year 1997, .0081% of the total assets of the credit union as

of the end of the calendar year.

Provided that, the tax paid by a credit union for any calendar year shall not exceed 6% of the credit union's annual calendar year "net income (loss) after cost of funds" less "reserve transfers" as shown by the National Credit Union Administration form 5300s currently in use, less the following:

a. Interest on obligations of the United States, its agencies and instrumentalities to the extent required by Federal law.

b. Any loss carried forward from any previous year which has not previously been offset against income for purpose of calculating this tax.

c. Other deductions allowed by Generally Accepted Accounting Principles applicable to credit unions.

Such asset based tax shall be paid and reported as prescribed in Article Three of this act, except that Section 33 Estimated Taxes shall not apply.

Amend H. 251 on page 9, Section 8, Line 16, by adding the following new subsection:

"(10) Organizations exempt under Section 115 of the Internal Revenue Code."

On page 13, line 23, add the following after the words "section 9":", or adjusted under section 7(g)".

On page 17, line 26, add the following after the words "12 months.": "Financial institutions shall pay the estimated tax payments during the first year under this act, but shall not pay any financial institution excise tax during such year. Should any financial institution excise tax be paid by a financial institution during such first year, the amount thereof shall be a credit against the taxes payable under this act for such year."

Amend House Bill 251 on page 6 line 7 by striking "5.3" and inserting in lieu thereof "5.4"

Further amend on page 6 line 9 by striking "5.7" and inserting in lieu thereof "5.8"

Further amend on page 6 line 12 by striking "6.0" and inserting in lieu thereof "6.1"

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Perdue, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 252. To amend the Constitution of Alabama of 1901, by proposing amendments to Sections 217 (as amended by Amendment 373), 229 (as amended by Amendment 27), 232 (as amended by Amendment 473), of the Constitution of Alabama of 1901 and Amendment 25 of the Constitution and to repeal Sections 91 and 261 and to repeal Amendments 61, 212, 225 and 448 of the Constitution of 1901 so as to provide for the assessment of all property in three classifications; to provide for homestead and other exemptions; to permit but not require the Legislature to impose corporate franchise taxes; to authorize the imposition of an income tax; to repeal the requirement for personal exemptions in the income tax; to modify the earmarking of the income tax; to repeal the requirement that the federal income tax be deductible in computing net income. In addition, this bill would authorize the levy by the Legislature of an additional state ad valorem property tax at a rate not to exceed twenty-five one hundredths of one percent on the value of the taxable property within the state and provide for the distribution of the proceeds to be derived from said special tax for certain specified purposes. This bill would also limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriations of revenue-raising measures; provide that

the Governor will present his proposed basic appropriation bills and revenue-raising measures to the Legislature 30 days prior to a regular session; provide the time frames within the regular session in which appropriation bills are to be considered by each house of the Legislature; provide an automatic emergency budgetary special session if the Legislature fails to meet its deadlines; provide time frames for the return of appropriation bills by the Governor; to provide that the provisions of this proposed amendment to the Constitution shall be linked to the enactment and ratification of certain bills introduced in the 1992 Regular Legislative Session and also to provide election procedures for this proposed amendment to the Constitution.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 252, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 to require the Legislature to pass the state's budgets in a timely manner and to provide for an automatic emergency budgetary special session if the Legislature fails to meet its deadlines, to limit total appropriations in any fiscal year to the amount of revenues collected for the previous fiscal year, to provide procedures for appropriation of balances and for supplemental appropriations in special session, to provide for phase-in periods for appropriations from the State General Fund and Alabama Special Educational Trust Fund, to require the Governor to submit proposed budgets and return appropriation bills in a timely manner, to further provide for the assessment of property, to require homestead and other exemptions, to permit the Legislature to impose corporate franchise taxes, to provide further for the state's income tax, to repeal provisions for personal exemptions and deductibility of Federal income tax in computing net income and modifying the earmarking of income tax, to authorize the Legislature to levy an additional state ad valorem tax at a rate not to exceed twenty-five one hundredths of one percent on the value of taxable property within the state and provide for distribution of proceeds, to provide for election of members of city boards of education of Class I municipalities, to provide that the ad valorem tax payable to the state and all other taxing authorities on Class II property located in Jefferson County (not including Class II property located in the cities of Mountain Brook or Vestavia Hills) shall never exceed two percent of the fair and reasonable market value of said taxable property in any one ad valorem tax year, to provide a linkage

between this amendment and the other bills in the tax and education accountability acts as passed by the 1992 Regular Session of the Legislature, to amend Sections 217, 229, 232, and Amendments 25, 27, 373 and 473 of the Constitution and to repeal Sections 91 and 261 and Amendments 61, 212, 225 and 448 of the Constitution and to provide election procedures for this proposed amendment to the Constitution.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Upon the approval by a majority of the qualified electors of the state voting on the amendment of this Constitution that was proposed by the Act of the Legislature that was introduced during the 1992 Regular Session thereof as House Bill 239, the provisions of this amendment hereinafter set forth shall become effective immediately.

(a) It is proposed that Section 229, as amended by Amendment 27, be amended to read as follows:
"Sec. 229.

The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the legislature; and shall pass general laws under which charters may be altered or amended. The legislature shall may, by general laws, provide for the payment to the state of Alabama of a franchise tax by corporations organized under the laws of this state, but not for profit corporations shall not be subject to any such tax with respect to their assets used exclusively in carrying out their charitable functions. ~~which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or federal building and loan associations organized pursuant to an act of congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified."~~

(b) It is proposed that Section 232, as amended by Amendment 473, be amended to read as follows:

"Sec. 232.

No foreign corporation shall do business in this state without having at least one known place of business and an authorized agent or agents therein, and without filing with the secretary of state a certified copy of its articles of incorporation or association. Any foreign corporation, whether or not such corporation has qualified to do business in this state by filing with the secretary of state a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation. The Legislature shall may, by general law, provide for the payment to the state of Alabama of a franchise tax by such corporation, but not for profit corporations shall not be subject to any such tax with respect to their assets used exclusively in carrying out their charitable functions. ~~but such franchise tax shall be based on the actual amount of capital employed in this state. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax."~~

(c) It is proposed that Amendment 25 be amended to read as follows:

Amendment No. 25

INCOME TAXES.

"Article XXII. The legislature shall have the power to levy and collect taxes for state purposes on net incomes from whatever source derived ~~within this state, including the incomes derived from salaries, fees and compensation paid from the state, county, municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter~~ and to designate and define the incomes to be taxed, which may be based upon federal income tax rules as in effect from time to time, and to fix the rates of taxes, provided that the rate shall not exceed 5 5.4 percent on individuals nor 6.1 percent on corporations. ~~nor 3 percent on corporations.~~ Income shall not be deemed property for purposes of ad valorem taxes. The net revenue from the income tax, after reimbursement of revenue lost to the several funds of the state for the homestead tax exemption, shall be placed in the state treasury to the credit of the Education Trust Fund. ~~From net income an exemption of not less than fifteen hundred dollars (\$1,500.00) shall be allowed to unmarried persons and an exemption of not less than three thousand dollars (\$3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than three hundred dollars (\$300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. The legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify. In the event the legislature levies an income tax, such tax must be levied upon the salaries, income, fees, or other compensation of state, county and municipal officers and employees, on the same basis as such income taxes are levied upon other persons. All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932, are paid and thereafter used exclusively for the reduction of~~

~~state ad valorem taxes."~~

(d) It is proposed that Section 217, as amended by Amendment 373, be amended to read as follows:

"Sec. 217.

(a) On and after October 1, ~~1978~~ 1992, all taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

~~Class I. All property of utilities used in the business of such utilities.~~

Class I. All private passenger automobiles and motor trucks of the type commonly known as "pickups" owned and operated by an individual for personal or private use and not for hire, rent, or compensation.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single family owner occupied residential property, and historic buildings and sites.

~~Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent or compensation.~~

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. On and after October 1, ~~1978~~, 1992, such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

~~Class I. 30 per centum.~~

Class I. 15 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

~~Class IV. 15 per centum.~~

Notwithstanding the foregoing, property that would have been classified as Class I property under the law in effect on October 1, 1991, shall be assessed at the following ratios to the fair and reasonable market value of such property:

For the taxable
year beginning:

<u>October 1, 1992</u>	<u>27.5%</u>
<u>October 1, 1993</u>	<u>25.0%</u>
<u>October 1, 1994</u>	<u>22.5%</u>
<u>October 1, 1995 and thereafter</u>	<u>20.0%</u>

Provided, further, that in each of the ad valorem tax years beginning October 1, 1992, 1993, 1994, and 1995, if a written determination is made in accordance with legislative act that the amount of the proceeds from the levy on public utility property for such year of any separately levied county, municipal or other local ad valorem tax levied in each county of the state, is anticipated to decrease from the amount of such proceeds collected with respect to such tax for the ad valorem tax year beginning October 1, 1991, as a result of the changes in ratio of assessed value to fair market value hereinabove provided for public utility property, the rate of such tax, to be applied to all taxable property within the jurisdiction in which such tax is levied, shall, without the necessity for any further action or authorization, be increased, as of the beginning of the ad valorem tax year in which such determination shall be made from the rate of such tax theretofore levied by such additional rate, if any, as shall be necessary to approximately recover (as determined pursuant to legislative act) the amount of such anticipated decrease in tax proceeds, the amount of said increase in rate to be determined in such manner as shall be provided by legislative act. Any tax the rate of which shall be increased as hereinabove provided shall continue to be levied at such increased rate unless (i) further increased as provided in the first sentence of this paragraph, or (ii) reduced as otherwise permitted or provided by law, so long as the levy of such tax shall continue to be authorized by law.

The Public Service Commission is hereby directed to recognize and factor into the rates allowed public utilities the effect on future ad valorem tax liabilities for utilities assessed as Class I property as of October 1, 1991.

(c) With respect to ad valorem taxes levied by counties, municipalities, or other taxing authorities, all taxable property within the respective jurisdictions shall be forever taxed at the same rate. On and after October 1, ~~1978, 1992~~, such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). ~~In connection with the ad valorem taxes that a county, municipality or other taxing authority is authorized or required to levy and collect pursuant to any provision of this Constitution, for the ad valorem tax year beginning October 1, 1978, any such taxing authority may,~~

~~subject to criteria established by act of the legislature, by resolution of the governing body of that taxing authority, at any time not later than September 30, 1979, increase or decrease the assessment ratio applicable to any class of taxable property, such increase or decrease to be effective for ad valorem tax years beginning on and after October 1, 1978. If (1) a county, municipality or other taxing authority adjusts an assessment ratio pursuant to the preceding sentence and (2) the receipts from all ad valorem taxes levied by or with respect to such taxing authority during the ad valorem tax year beginning October 1, 1978, exceed by more than five percent, or are less than 95 percent of, the receipts from such ad valorem taxes for the ad valorem tax year beginning October 1, 1977, then at any time not later than September 30, 1980, for ad valorem tax years beginning on and after October 1, 1979, the taxing authority may, subject to criteria established by act of the legislature, by resolution of the governing body of that taxing authority, adjust any assessment ratio applicable to any class of taxable property. On and after October 1, 1979, the governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or a decrease shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. No decrease in an assessment ratio pursuant to this subsection (c) shall be permitted with respect to either of the ad valorem tax years beginning October 1, 1978, and October 1, 1979, if such county, municipality or other taxing authority has increased any millage rate under subsection (c) of this section with respect to such ad valorem tax year. The legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assessment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.~~

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than five per centum nor more than 35 per centum.

(e) A county, municipality, or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the

payment of any bonded indebtedness secured by such tax. ~~For the ad valorem tax year beginning October 1, 1978, when the tax assessor of each county shall complete the assembly of the assessment book for his county for that ad valorem tax year and the computation of ad valorem taxes that will be paid upon such assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that ad valorem tax year but excluding for this purpose any assessment of new taxable property not previously subject to taxation (except "escaped" property as defined by law) added to the tax rolls of such county for the ad valorem tax year in which such certification is made that was not included on the tax rolls for the next preceding ad valorem tax year. Any county, municipality or other taxing authority, at any time not later than September 30, 1979, may increase the rate at which any ad valorem tax is levied by or with respect to that taxing authority above the limit otherwise provided in this Constitution, provided that the amount of the above described certification of anticipated tax receipts with respect to such tax is less than 120 percent of the actual receipts from such tax for the ad valorem tax year beginning October 1, 1977, such increase to be effective for ad valorem tax years beginning on and after October 1, 1978; provided, that any such millage increase shall not exceed in mills the total of (i) the number of additional mills that is necessary, when added to the millage rate imposed with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977, to produce revenue that is not less than and that is substantially equal to that received by the taxing authority with respect to such tax during such immediately preceding ad valorem tax year, plus (ii) a number of additional mills equal to 20 percent of the total mills imposed by that taxing authority with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977. If, for the ad valorem tax year beginning October 1, 1978, the receipts from any ad valorem tax with respect to which any millage rate has been increased pursuant to the immediately preceding sentence are less than 95 percent of the receipt from such ad valorem tax for the ad valorem tax year beginning October 1, 1977, then at any time not later than September 30, 1980, the taxing authority may increase any millage rate with respect to such ad valorem tax in the manner provided in the immediately preceding sentence, such increase to be effective for ad valorem tax years beginning on and after October 1, 1979. It is further provided that all millage adjustments shall be made in increments of not less than one-tenth (1/10) mill.~~

(f) On and after October 1, 1979, any county, municipality, or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit otherwise provided in this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be

made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state.

(g) The legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; ~~provided, that unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such amendment hereto.~~

(h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, including any amendment thereto whenever adopted with respect to taxable property located in the city of Mountain Brook, the city of Vestavia Hills, or the city of Huntsville, the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed $2\frac{1}{4}$ percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed $1\frac{1}{2}$ percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, ~~such amount with respect to any item of Class IV property shall never exceed $1\frac{1}{4}$ percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, provided, however, that with respect to any item of Class II property located in Jefferson County (not including any item of Class II property located in the cities of Mountain Brook or Vestavia Hills), such amount shall never exceed 2% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1 percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year.~~ Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total amount of mills on each dollar of taxable property situated

in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(j) Notwithstanding any other provision of this section, on and after October 1, 1978, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities, and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may also enact laws uniformly applicable to the state and all counties, municipalities, and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the ~~three~~ five ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties and, municipalities, ~~and property devoted exclusively to religious, educational or charitable purposes, except that the legislature shall have the power to tax or authorize the taxation of private use property; real property owned, occupied, and used and personal property owned and used by an organization described in 26 U.S.C. § 501(c)(3) and exempt from federal income tax under 26 U.S.C. § 501(a) exclusively for carrying on the activities and functions on which its exemption from federal income tax is based (The tax assessors of the several counties may require the organization to present evidence showing that the property is so used exclusively); household and kitchen furniture, all farm tractors, ~~all~~ and farming implements when used exclusively in connection with agricultural property; and all stocks of goods, wares, and merchandise. The term "private use property" means property legal title to which is held by a county or municipality, or an agency or instrumentality thereof, but which is used primarily by one or more individuals, partnerships, or corporations organized for profit, or any combination thereof.~~

~~(l) Notwithstanding the other provisions of this section, with respect to the costs of reappraisal incident to the state-wide reappraisal of property heretofore authorized by the legislature, each county, municipality or other taxing authority for~~

~~ad valorem tax years beginning on and after October 1, 1978, may impose and levy an additional ad valorem tax of not more than two mills on all taxable property located in the taxing authority in order to reimburse itself for its payment of such costs of reappraisal or to pay any unpaid costs or its pro rata share of such unpaid costs of reappraisal. The taxes provided for in this subsection, or any pro rata part thereof, shall terminate at the end of the ad valorem tax year in which sufficient funds are received from the taxes to pay in full the said reappraisal costs and any receipts from such taxes that are received during the ad valorem tax year of their termination that are not needed for the purposes specified herein may be used by the taxing authority levying the tax for general purposes of the taxing authority. The taxes authorized in this subsection shall not exceed in the aggregate, with respect to any item of taxable property located in the taxing authority, a total of two mills for all such taxes levied by all taxing authorities in a county and not two mills for each taxing authority in a county. If more than one such taxing authority in a county has paid or owes all or a portion of its reappraisal costs, such two mills shall be prorated among such taxing authorities in the county as they may agree, or if they cannot agree, in the percentage which each such taxing authority's costs of reappraisal bear to the total costs of reappraisal of all taxing authorities in the county. The provisions of this subsection shall apply only to the costs incurred by a taxing authority incident to the state-wide reappraisal of property heretofore authorized by the legislature, the amount of which costs shall be certified by the department of revenue, and shall not be applicable to any future reappraisals that may be required by law.~~

(l) All homesteads shall be exempt from state ad valorem tax to the extent of at least \$2000 of assessed value.

~~(m) If any portion of this section should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this section, which shall continue effective.~~

(m) Notwithstanding subsections (b) and (i), in no event shall any taxpayer's total liability for state, local, and municipal ad valorem taxes with respect to all the taxpayer's property that would have been classified in Class I on October 1, 1991, be less than the total liability of such taxpayer for ad valorem taxes with respect to all the taxpayer's property that was classified as Class I property under the law in effect on October 1, 1991, during the tax year beginning October 1, 1991; provided, however, that this provision shall not apply to taxable years beginning after September 30, 1995.

(n) Notwithstanding subsections (a) and (b), the Legislature may provide for the taxation of intangible property at any rate not exceeding \$1 per \$1000 of the fair and reasonable market value of the intangible property and may provide for the exemption of property from such tax and may establish the procedure for determining the amount of such tax, which exemptions and procedures need not be consistent with the exemptions and procedures applicable to the ad valorem taxation of real and tangible personal property. Only the state and no county,

municipality, or other taxing authority may impose any ad valorem tax on intangible property."

(e) The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of Alabama of 1901, as amended:

"Notwithstanding the limitation on the power of the Legislature to levy state property taxes at rates in excess of those provided for in Section 214 of this Constitution, the Legislature may levy, in addition to all other taxes presently levied on the value of the taxable property within this state, for the tax years beginning after September 30, 1992, a special ad valorem property tax at a rate not exceeding twenty-five one-hundredths of one percent on the value of the taxable property within this state. The proceeds arising from the levy herein authorized shall be used or expended only for the purposes set forth in Section 2 of the Act of the Legislature of Alabama that was introduced at the 1992 Regular Session thereof as House Bill 248. It is hereby expressly provided (a) that the validity and efficacy of the aforesaid act of the Legislature is hereby ratified and confirmed, and (b) that the proportionate allocations and continuing appropriations made for the purposes set out in the aforesaid section 2 of said act, or in any codification of said section that may hereafter be made, may not be altered or amended except upon the enactment of an act of the Legislature approved through the favorable vote of three-fifths of all the members of each house of the Legislature and approved by the Governor and (c) that the rate of the tax authorized herein may be reduced at any time by an act of the Legislature."

(f) The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

"Section A

Sub-section (1). As used herein, these terms shall be defined as follows:

(a) **BASE YEAR.** The fiscal year most recently concluded prior to the session of the Legislature in which an appropriation is made.

(b) **FUND.** The State General Fund and the Education Trust Fund, separately.

(c) **REVENUE GROWTH.** The growth in revenues in each respective Fund projected by the Fiscal Projection Commission, as provided herein.

(d) **UNAPPROPRIATED BALANCE.** The amount by which total revenues deposited into each Fund during a Base Year exceeds the total respective

expenditures from each Fund during the base year.

Sub-section (2). The Legislature shall not make any absolute, supplemental, or conditional base appropriation from either Fund for any fiscal year in any amount which, together with other appropriations from said fund, exceeds the sum of the following:

- (a) The total revenues deposited in each Fund during the Base Year;
- (b) The Revenue Growth, if any, projected for each Fund, provided, however, that such Revenue Growth may not exceed ten percent of the total revenues deposited in each Fund during the Base Year;
- (c) The Unappropriated Balance, if any, in each Fund; and,
- (d) The projected additional revenue to be derived from measures approved by the Legislature.

Sub-section (3). (a) There is hereby established the Fiscal Projection Commission, to consist of the following seven members:

The State Director of Finance

The Director of the Legislative Fiscal Office

The State Budget Officer

Two members appointed by the Governor

One member appointed by the Lt. Governor

One member appointed by the Speaker of the House of Representatives

Appointed members shall serve at the pleasure of the one making the appointment.

(b) Within forty-five days after the end of each fiscal year, the Commission shall report to the Governor its projection of Revenue Growth, if any, for each Fund. A majority vote of the members of the Commission is required to establish a projection of such Revenue Growth.

Sub-section (4). There are hereby established State Reserve Accounts within the State General Fund and the Education Trust Fund. Disbursements from each State Reserve Account may be made only upon executive order of the Governor, as directed by the Governor, and only to prevent proration to either Fund. Each State Reserve Account shall be funded as follows:

(a) There shall be appropriated by the Legislature for each of the fiscal years ending in 1993, 1994, and 1995 one percent of the appropriations authorized by Sub-section (2) of this Section A for each of said years, to be deposited into each State Reserve Account.

(b) Thereafter there shall be appropriated by the Legislature for every fiscal year an amount projected by the Legislature to maintain each State Reserve Account at an amount equal to four percent of the average of the appropriations authorized by Sub-section (2) of this Section A for the four Base Years immediately preceding the fiscal year, provided, however, that such appropriation may, but is not required, to exceed one percent of the appropriations authorized by Sub-section (2) of this Section A for the fiscal year.

Sub-section (5). Those monies which are set aside as provided in this section shall be retained in separate State Reserve Accounts, one for the State General Fund and one for the Education Trust Fund. Monies set aside in the Education Trust Fund Reserve Account, including accrued interest, shall be used only for educational purposes. Monies set aside for the State General Fund shall be used as the Legislature may direct.

Section B

(a) The Governor shall submit the executive budgets for the operations of the legislative, executive, and judicial departments of the state and for the advancement and operations of public schools and colleges to the Legislature at least 10 days prior to the commencement of the annual Regular Session.

(b) The House of Representatives shall consider the state's budgets in a timely fashion. If the budgets for the general operations of the legislative, executive, and judicial departments and the public schools and colleges have not been approved by the House and transmitted to the Senate by the fifteenth legislative day, the House shall cease consideration of all other bills, resolutions, and business, except as herein specified. The House may continue to hold committee meetings, receive committee reports, receive bills and messages from the Senate and Governor, pass revenue-raising bills, and consider and pass resolutions which pertain to the budgets, appropriations, and revenue-raising measures. After the budgets for the legislative, executive, and judicial departments and public schools and colleges have passed the House and been transmitted to the Senate or Governor or held in conference committees, the House may resume consideration of other bills, resolutions, and business.

(c) The state Senate shall consider the state's budgets in a timely fashion. If the budgets for the general operations of the legislative, executive, and judicial departments and for public schools and colleges have not been approved by the Senate and transmitted to the House by the twentieth legislative day, the Senate shall cease consideration of all other bills, resolutions, and business, except as herein specified. The Senate may continue to hold committee meetings, receive

committee reports, receive bills and messages from the House and Governor, pass revenue-raising bills, and consider and pass resolutions which pertain to the budgets, appropriations, and revenue-raising measures. After the budgets for the legislative, executive, and judicial departments and public schools and colleges have passed the Senate and been transmitted to the House or the Governor or held in conference committees, the Senate may resume consideration of other bills, resolutions, and business.

(d) Should conference committees be necessary to resolve differences in the budgets or related revenue-raising measures, the committees shall act expeditiously to resolve the difference. The reports of conference committees shall be made available to members of each chamber at least 12 hours before any vote shall be taken on the budgets which fund the legislative, executive, and judicial departments of the state and public schools and colleges.

(e) Laws and provisions of the Constitution which are not in conflict with this section shall continue effective.

(f) The Legislature shall have power to implement this section of this amendment by appropriate legislation.

Section C

Sub-section (1). Sections 91 and 261 and Amendments 61, 212, 225, and 448 of the Constitution of Alabama of 1901, as amended, are hereby repealed."

(g) The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Section 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

"Any Class 1 municipality may elect a city board of education from the nine single-member districts as are established for the election of the members of the city council, without regard to county boundary lines, should the boundary lines of any such municipality extend into more than one county. Enabling legislation in the form of general bills applying to Class 1 municipalities may be enacted to implement the provisions of this subdivision and any general bill enacted in the 1992 Regular Session of the Alabama Legislature that would implement the provisions of this subdivision shall be validated and meet the requirements of this subsection upon adoption by the affirmative vote of a majority of all the qualified electors who vote in the election proposing this amendment pursuant to Sections 284, 285, and 287 of the Constitution of Alabama of 1901."

Section 2. This Amendment shall be offered for ratification by the people in an election only if bills introduced as House Bills 221, 224, 225, 227, 229, 230, 240, 243, 244, 245, 246, 249, 251, and 281, in the 1992 Regular Session of the Alabama Legislature are enacted.

Section 3. A special election upon the proposed amendment shall be held on the first Tuesday after the expiration of three months from the date of final adjournment of the session of the Legislature during which this act is adopted. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election(s) in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Amend H. 252 on page 7 by striking lines 6, 7 and 8 in their entirety and inserting in lieu thereof the following:

"Class III. All agricultural, forest, and single family owner occupied residential property, and historic buildings and sites, and residential property whether the residential property is owner-occupied or not, including, but not limited to, property used by the owner thereof as the owner's single family dwelling."

On page 2, delete lines 25, 26, and 27 in their entirety and insert in lieu thereof the following: budgets in a timely manner, to limit total appropriations in any

On page 2, line 33, after the word "Fund," insert the following: to supersede the provisions of constitutional amendment 339 by providing for divided regular sessions of the Legislature with the general fund and education budgets to be isolated for consideration by the Legislature in a certain division of each regular session,

On page 19, line 16, after the colon, insert a new Section A to read as follows:

"Section A

The Legislature shall convene on the second Tuesday in January next succeeding its election in organizational session and shall remain in session for not longer than 10 consecutive calendar days. No business shall be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner

of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. At the beginning of each organizational session, and at other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president of the senate and the speaker of the house of representatives shall each hold his or her respective office until his or her successor has been elected and qualified. Commencing in the year 1993, the annual regular sessions of the Legislature shall commence on the third Tuesday in April of the first year of the term of office of the legislators, on the first Tuesday of February of the second and third years of such term and on the second Tuesday in January of the fourth year of such term. There shall be two annual regular sessions to be constituted as follows. There shall be a first annual session of 60 calendar days and no more than 30 legislative days within the 60 calendar day period. During the first annual regular session, legislation of any nature may be introduced with the exception of the following; general appropriation bills for the ordinary expenses of the executive, legislative, and judicial departments of the state, bills for interest on the public debt, and appropriation bills for the support and maintenance of public schools. On the second Tuesday after the final adjournment of the annual first regular session of the Legislature, the annual budget session of the Legislature shall commence and continue for a period of 45 calendar days with a maximum of 30 legislative days in which to meet. During the budget session, only bills pertaining to raising revenue, general appropriation bills for the ordinary expenses of the executive, legislative, and judicial department of the state, bills for interest on the public debt, and bills for the support and maintenance of public schools or any other legislation dealing with financial needs may be introduced. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house. Special sessions shall be limited to 12 legislative days and thirty calendar days. This Section A of this amendment supersedes Constitutional Amendment No. 339."

Beginning on page 19, line 17, reletter existing Sections A, B, and C to read as B, C, and D.

On page 21, line 31, after the word "annual" insert the words: budgets session of the

On page 21, beginning on line 33, delete (b) in its entirety.

On page 22, beginning on line 16, delete (c) in its entirety.

On page 22, beginning on line 33, change (d) to (b).

On page 23, line 7, change (e) to (c).

On page 23, line 10, change (f) to (d).

Amend H. 252 on page 8 line 25 after the word "act." by inserting the following: "Provided, however, the tax assessor shall certify to the county commission, city governing body or other local taxing authority prior to the increase in millage the rate that would automatically occur pursuant to this paragraph. The county commission, city governing body or other local taxing authority shall have sixty days after that certification to prohibit the increase in millage rate from being put into effect. If the local taxing authority fails to act within the aforesaid sixty days, the increased millage rate shall automatically go into effect as provided for in this section."

On page 24, after line 2, add the following:

Section D.

The Legislature finds and declares that the subject and purpose of this amendment as it relates to the funding of public education and general government is directly related to the enactment of House Bills 221, 227, 228, 229, and 319 of the 1992 Regular Session of the Alabama Legislature, which relate to accountability in education and general government. Therefore, the provisions of House Bills 221, 227, 228, 229, and 319 of the 1992 Regular Session of the Alabama Legislature as enacted shall not be altered or amended by any later legislative enactment without the approval of said amended change by a referendum election held for such purpose in the same manner as elections are held on amendments to the Constitution of Alabama of 1901.

Amend House Bill 252 on page 18 by deleting lines 3 through 14 in their entirety.

Further amend the bill on page 24, line 6 by deleting the number "244,".

Amend H. 252, page 8, line 8 by inserting the following after the word "utility": "or Class III" and further amend H. 252, page 8, line 14, by inserting the following after the word "property": "or as a result of the change in the definition of Class III property hereinabove effected"

Amend House Bill 252 on page 2 line 11 after the semicolon by inserting the following: "would provide for the exemption of local taxes on sales of food and the recoupment of revenue therefrom;"

Further amend the bill on page 3, line 17 after the comma by inserting the following: "to provide for the exemption of local taxes on sales of food and the recoupment of revenue therefrom;"

Further amend the bill on page 24, after line 2 by inserting the following:

"(h) The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Section 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

Exemption of Local Taxes on Sales of Food; Recoupment of Revenue Therefrom.

Section 1. Notwithstanding any other provision of law to the contrary, each of the several county governing bodies of the State are hereby authorized to and may exempt from all local (the county and the municipalities geographically situated within the county) sales, use, gross receipts or similar taxes on the sales of food for human consumption when consumed off-premises (groceries), as is provided for under the State Transactions Tax base. The several county governing bodies may exempt from all county and municipal sales taxes such food sales by resolution of the county governing body.

Section 2. Each county governing body in the state shall respectively satisfy the following requirements before adopting any resolution to exempt such food sales from county and municipal taxation, under Section 1 above:

a. Conduct a thorough study, with the cooperation of the municipal governing bodies situated within and with the advice of the Department of Revenue, to ascertain sufficiently reliable estimates and/or actual annual revenue collections received by said county, the municipalities within and school systems from the tax on the sale of food, if any.

b. Present a proposal comprised of one or more of the revenue sources listed in Section 3 below, for the recoupment of all local revenue from the exemption of food for the county, the municipalities within and school systems, if any.

c. Publish its proposal for the recoupment of revenue from the exemption of food sales at least once weekly for not less than six weeks in at least one newspaper having the greatest circulation in the county.

d. Hold at least one public hearing on each proposal that provides for the recoupment of revenue from the exemption of food before adopting a resolution for the recoupment of such revenue.

e. Adopt a resolution for the recoupment of revenue from the exemption of food.

Section 3. Any law to the contrary notwithstanding, each county governing body electing to exempt such food sales from county and municipal taxation is hereby authorized to enact by resolution one or more countywide taxes from

among the following: (1) additional mills on the assessed value of all taxable property in that county; and/or (2) a countywide occupational tax on the salaries, wages or compensation paid and/or (3) a local income tax and/or (4) the imposition of other taxes or increases in existing taxes; provided, that such taxes are deductible by the taxpayer for federal income tax purposes, as of the date of such resolution.

The county governing body shall solely determine the extent to which any one or more of the tax sources listed above is relied upon for the recoupment of such revenue.

It is the intent of this amendment that each county governing body which elects to exempt sales of food from local taxation shall adequately and fully provide for the recoupment and replacement of all local revenue from the exemption of food. The electing county governing body is hereby authorized to alter the tax or taxes levied for the recoupment of such revenue if it is determined inadequate or excessive for the recoupment of such revenue.

Two or more counties may pool resources, share information and otherwise collaborate, unless specifically prohibited by law, to cost-effectively implement the provisions of this amendment.

This amendment shall not be construed to confer any additional taxing powers to county governing bodies for other county tax purposes or for application to the municipalities within, except for the specific power to exempt food sales from county and municipal taxation and to provide for the recoupment of all local revenue."

Amend House Bill 252 as substituted on page 8, after line 30 by inserting the following language: "Provided, further, notwithstanding any provision of law to the contrary, any reduction in local ad valorem taxes to Jefferson County or any municipality or other taxing jurisdiction within said county as a result of the change in Class I property due to the increase in the value of property classified as Class I property under the law in effect on October 1, 1991, and/or due to any increase in millage that would have resulted in increased ad valorem revenue when applied to property previously classified as Class I property, shall be certified by the tax assessor to the Jefferson County Commission. The tax assessor in Jefferson County shall calculate the increase in millage on all Class II property necessary to recoup the loss of local ad valorem revenue certified. Said increase in millage shall automatically go into effect each year on Class II property only without further action by any taxing authority within said county."

On page 23, line 2, after the words and period "the difference.", add the following: Any conference committee on the budgets shall be held at the State House, shall be open to the public, and shall be conducted while the legislature is in session.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 281. To hereby repeal the statutory earmarking of certain state revenue sources.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 281, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To hereby repeal the statutory earmarking of certain state revenue sources.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All state revenue pledged, committed, or earmarked for a specific fund, purpose, or function by state statute, resolution, rule or regulation is hereby unearmarked and the provisions earmarking such revenue are hereby repealed and rescinded to the extent necessary to effectuate the provisions of this act. Such revenue shall hereafter accrue to the general fund or funds of the state of Alabama to be available for appropriation by the Legislature for general governmental and educational purposes.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to any fees, excises, or license taxes levied on gasoline and motor fuels or any other taxes, fees, revenues, or appropriations currently pledged, committed or earmarked for the cost of construction, reconstruction, maintenance and repair of public highways and bridges, costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws.

Provided further, the foregoing provisions providing for unearmarking shall not apply to license fees levied on members of professional occupations and earmarked for the regulation of that occupation by a regulatory board specifically established for that purpose. However, except as otherwise provided in this amendment, state revenue pledged or earmarked for the benefit of agencies that perform quasi-regulatory functions or state regulatory agencies with broad and general regulatory authority is hereby unearmarked and shall accrue to the general fund or funds of the state of Alabama.

Provided further, any revenue pledged for the payment of debt service on bonds issued by the state of Alabama or public corporations or authorities created by the state of Alabama for the purpose of issuing such bonds shall remain inviolate and pledged for such purpose until such time as the outstanding bonds are retired. Nothing in this amendment shall be construed in such a way as to limit the authority of the Legislature to authorize the issuance of revenue bonds and pledge a source of revenue for the payment of debt service on such authorized bonds.

Provided further, that the unearmarking provisions of this amendment shall not apply to local revenue or the proceeds of state-imposed taxes that are currently allocated to local governments.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to revenue accruing to the State Banking Department, Alabama State Docks, the Securities Commission, the Public Service Commission, the inventory fund of the Alcoholic Beverage Control Board, the Department of Corrections Industry Fund, the Children's Trust Fund, the funds of the Domestic Violence Shelter Facilities, the funds of the Office of Prosecution Services, the funds of District Attorneys, the Crime Victims' Compensation Commission Fund, revolving funds within the Department of Finance, the Unemployment Compensation Fund, State Parks Revolving Fund, the Underground Storage Tank Trust

Fund within the Department of Environmental Management, the Military Department Billeting Revolving Fund, the Alabama Health Care Trust Fund, all funds of the division of risk management of the department of finance, the funds of the State Employees Insurance Board, the funds of the Public Education Employees Insurance Board, the Wallace-Folsom Prepaid College Affordable Tuition Program Fund, Shipping Point Inspection Fund, the Probationers' Upkeep Fund, the Veterans' Home Trust Fund, the General Liability Trust Fund administered within the Department of Finance, the funds of any and all public corporations or authorities created by the State of Alabama, the Supercomputer Revolving Fund, the revenue generated by the Industries for the Blind Program under the Alabama Institute for the Deaf and Blind or the revenue generated by donation tax refund voluntary check-offs listed on the Alabama state income tax return.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to revenue accruing to educational entities from gifts, grants, local sources, tuition, fees, auxiliary enterprises, and restricted funds.

Provided further, the foregoing unearmarking provisions shall not apply to the revenue currently earmarked to the Alabama Special Educational Trust Fund.

Provided further, the foregoing unearmarking provisions shall not include any reimbursement tendered to a state agency in payment for the cost of a service provided by such agency.

Section 2. Revenues currently earmarked to the state agencies or funds listed in this section shall be unearmarked provided, however, that these agencies shall receive not less than the dollar amount of state funding from sources previously earmarked specifically for these agencies than they receive in the 1992 fiscal year during the fiscal year 1993. Agencies or funds subject to the provisions of this section are the Department of Human Resources, the Department of Mental Health and Mental Retardation, Department of Public Health, the Alabama Forestry Commission Fund, Certificate of Need fees, Secretary of State UCC & Corporate Fund, and the Department of Revenue.

Section 3. Nothing in this amendment shall be construed to restrict the obligations of the Governor or of the Department of Finance of the state of Alabama as set forth in section 90 of chapter 4 of title 41 of the Code of Alabama 1975.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective October 1, 1993 only if House Bill 252 as proposed in the 1992 Regular Session is ratified by the people as required by law.

REGULAR SESSION
27th Day

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Amend House Bill 281 as substituted on page 2, line 23, by adding after the words "the Children's Trust Fund," the following: "the Alcohol and Drug Abuse Court Referral Trust Fund, the Indigent Offender Alcohol and Drug Treatment Trust Fund;".

Amend House Bill 281 as substituted on page 2, line 27, after the word and punctuation "Finance," by inserting the following: "revolving funds within the Department of Insurance."

Amend House Bill 281 as substituted on page 2, line 23, by adding after the words "the Children's Trust Fund," the following: "any library or administrative fund of the Judicial Branch;".

Amend House Bill 281 as substituted on page 2, line 28, after the words "Revolving Fund," by adding the following: "the Alabama Forestry Commission Fund;".

Further amend House Bill 281 as substituted on page 3, line 27, by deleting the words "the Alabama Forestry Commission Fund;".

Amend House Bill 281 on page 2, line 20 after the word "Department," by inserting the following: "the Alabama Credit Union Administration,"

Page 1, line 29, delete the period (.) and insert following the word "laws" the following: ; nor shall the foregoing unearmarking provisions apply to any revenue source designated for the department of revenue to cover its costs of collection and administration of the state taxation system provided such revenue sources are specifically appropriated to the department by the Legislature under the Budget Management Act.

Page 3, line 28, between the comma (,) following the word "fees" and the word "Secretary" insert the word: and further, delete the comma (,) following the word "Fund" and delete the words "and the Department of Revenue" on page 3, line 29.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 319. To establish the Personnel Control Reform Committee for the review of all personnel hiring requests made by agencies of the State of Alabama; to prohibit such hiring unless favorably recommended by the committee; to provide for the severability of the provisions hereof; and to provide for an effective date.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 319, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Creating the Personnel Control Reform Committee; providing for the powers, duties, and dissolution of the committee; and prohibiting certain state agencies establishing new personnel positions without the approval of the committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as and may be cited as the Personnel Control Reform Act of 1992.

Section 2. The Personnel Control Reform Committee is created. The committee shall consist of the following five members:

- (1) The Governor or his or her designee.
- (2) The Director of Finance or his or her designee.
- (3) The State Personnel Director or his or her designee.

(4) The Chair of the Committee on Ways and Means of the House of Representatives or a designee of the chair who is a member of the House of Representatives.

(5) The Chair of the Committee on Finance and Taxation of the Senate or a designee of the chair who is a member of the Senate.

Section 3. (a) The committee shall commence the performance of its duties on June 1, 1992.

(b) The committee shall hold its initial meeting by July 10, 1992. Subsequent meetings shall be held within the first 10 days of the beginning of each month. A meeting shall not be required if the State Personnel Department notifies the committee that no listings of hirings or requests for new personnel positions were received by the department by the 25th day of the preceding month. Public notice of all meetings shall be given by the department at least four business days prior to the convening of the meeting. The notice shall be in the form prescribed by the committee.

(c) Each legislative member of the committee shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. The allowances, expenses, and compensation of legislative members of the committee shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by a member of the committee. No legislative member shall receive additional compensation or per diem when the Legislature is in session or if a legislative member is being paid any other payments on the same dates for attendance of other state business. Other members of the committee shall not receive compensation for attending meetings of the committee.

(d) The Legislature, by the adoption of a joint resolution, may dissolve the committee. Once dissolved, the committee shall not be reestablished by the adoption of a joint resolution of the Legislature.

Section 4. (a) For the purposes of this act, state agency means any department, board, office, commission, or agency of the Executive Department of the state. The committee shall review each request of a state agency to establish a new personnel position funded from state or federal funds including, but not limited to, requests regarding new personnel positions for classified, unclassified, temporary, contract, part-time, or exempt employees. The committee, after a review, shall determine if a new personnel position should be created by the requesting state agency.

(b) Effective June 1, 1992, no state agency shall establish or fill a new personnel position without the approval of the committee. Prior to the establishment of a new personnel position, each of the following procedural requirements shall be followed:

(1) The state agency shall submit the request for a new personnel position to the State Personnel Department by the 25th day of the month preceding the month in which a meeting of the committee is conducted at which the request will be addressed.

(2) The State Personnel Department shall deliver the request to the committee for review.

(3) The committee shall disapprove or approve the request and written notice of the decision of the committee shall be provided to the requesting state agency. The department shall prepare and provide the notice to the requesting state agency within five business days of the decision of the committee.

Section 5. Effective June 1, 1992, each state agency shall submit a list of all employees hired by the agency to the State Personnel Department by the 25th day of the month in which the employee was hired. If an employee is hired after the 25th day of a month, the employee shall be included by the state agency in the list submitted in the next month. The list shall include classified, unclassified, exempt, temporary, part-time, and contract employees hired by the agency since the previous meeting of the committee. The department shall provide the list of all new hirings by agency to the committee. The department and each state agency, if requested by the committee, shall provide additional information concerning the hirings to the committee. The committee shall review all personnel hirings of a state agency.

Section 6. (a) The committee shall conduct a comprehensive study of the staffing levels of the state agencies to assess the feasibility, without imposing undue burdens on the state agencies in providing their respective services, of reducing the total workforce of the agencies by five percent. The report shall include, but shall not be limited to, the recommendations of the committee regarding the method of accomplishing suggested staff reductions. The state agencies shall furnish information that the committee deems necessary in conducting its study. The committee shall report its findings to the Legislature and to the Governor by the 10th legislative day of the 1993 Regular Session of the Legislature.

(b) Annually thereafter, the committee shall make a report by the 10th legislative day of each regular session to the Legislature and the Governor regarding the status of the workforce of the state agencies. These reports shall include findings and recommendations of the committee concerning each of the following:

(1) Which state agencies have an excessive or deficient number of employees to provide an adequate level of service.

(2) The types of positions that are excessive in number and deficient in number within the workforce of the state agencies.

(3) Progress made in reaching any recommended reductions in the workforce of the state agencies.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On page 4, on line 11, after the period insert the following: If the committee approves the creation of a new personnel position or the filling of a new personnel position, the committee shall prepare a written report, specifying in detail, the necessity for the new personnel position or the filling of the position. The report shall be available for public review.

On page 3, on line 14, after the word "resolution" insert: with a recorded roll call vote of each house

On page 5, on line 24, insert the following new Section 8 and renumber the present Section 8 as Section 9.

Section 8. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

On page 2, on line 4, after the word "committee" insert: , and condition the implementation on the adoption of a certain constitutional amendment.

On page 2, on line 22 delete the language "on June 1, 1992" and insert in lieu: thirty days after the implementation of this act is authorized.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Willis and Zoghby.

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

SPECIAL ORDER CALENDAR RESUMED**MOTION TO SUSPEND RULES ADOPTED**

On motion of Representative Harper, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 70.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 70, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harper, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren and Willis.

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And the bill:

H. 70. To provide a credit for certain service in the determination of longevity payments pursuant to Section 36-6-11, Code of Alabama 1975.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (D), Parker (T), Perdue, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Warren, Willis and Zoghby.

-60

H. 393 RESUMED

The question was then on the adoption of the substitute reported by the Standing Committee on Education to the bill, H. 393.

MOTION TO ADJOURN LOST

The motion offered by Representative McKee that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

Yeas 20; Nays 40.

Yea:

Representatives Cosby, Crow, Flowers, Hamilton, Hammett, Haney, Harvey, Higginbotham, Laird, Layson, McKee, Mikell, Morton, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable and Willis.

-20

Nay:

Representatives Biddle, Bryant, Bugg, Buskey (JL), Cagle, Carothers, Clark (W), Curry, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McDaniel, Millican, Morrow, Newton (D), Parker (P), Payne, Perdue, Poole, Richardson, Rockhold, Sanderson, Spratt, Starkey, Warren and Zoghby.

-40

H. 393 RESUMED

The question was then on the adoption of the substitute reported by the Standing Committee on Education to the bill, H. 393, and the committee substitute was adopted.

Yeas 51; Nays 10.

Yea:

Representatives Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, McDaniel, McKee, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Warren and Willis.

-51

Nay:

Representatives Hamilton, Haney, Harvey, Higginbotham, Holley, Laird, Layson, Morton, Smith (R) and Turnham.

-10

AMENDMENT OFFERED

Representative Escott-Russell offered the following amendment to the bill, H. 393, as amended:

Amend House Bill No. 393 on Page 4, Line 2, by deleting the word "and" and adding the word "or".

Further amend House Bill No. 393 on Page 4, Lines 17 and 18, by deleting the following: "suspend the payment of all or part of the state education funds to".

Further amend House Bill No. 393 on Page 4, Line 17 by adding the following after the word "may": "determine the penalty for".

MOTION IN WRITING ADOPTED

Representatives Sanderson and Starkey offered the following Motion in Writing:

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I move the previous question.

And the Motion in Writing was adopted.

Yeas 33; Nays 22.

Yea:

Representatives Biddle, Bryant, Bugg, Buskey (JL), Cagle, Campbell, Crow, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Harper, Hawkins, Hill, Hogan, Lindsey, McDaniel, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Powell, Richardson, Sanderford, Sanderson, Spratt, Starkey, Willis and Zoghby.

-33

Nay:

Representatives Carns, Cosby, Flowers, Hamilton, Haney, Harvey, Hooper, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morton, Payne, Rockhold, Rogers (F), Smith (C), Smith (R), Turnham and Warren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Escott-Russell to the bill, H. 393, as amended, and the amendment was adopted.

Yeas 52; Nays 17.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Collins, Cosby, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Payne, Perdue, Poole, Richardson, Rockhold, Rogers (F), Sanderson, Spratt, Starkey, Warren and Zoghby.

-52

Nay:

Representatives Carns, Crow, Flowers, Hamilton, Haney, Harvey, Higginbotham, Holley, Laird, Layson, Morton, Powell, Sanderford, Smith (C), Smith (R), Turnham and Willis.

-17

And the bill:

H. 393. To establish the "Alabama Child Nutrition Law"; to provide that each board of education shall establish school breakfast and lunch programs beginning with the 1993-94 school year; to authorize the state board of education to promulgate rules for the compliance of this act; and to provide for enforcement and the imposition of sanctions by the state superintendent of education.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 42; Nays 26.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Curry, Escott-Russell, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Kvalheim, Lindsey, McMillan, Mikell, Millican, Morrow, Newton (D), Parker (P), Parker (T), Perdue, Richardson, Rockhold, Rogers (F), Sanderson, Spratt, Starkey and Zoghby.

-42

Nay:

Representatives Carns, Collins, Cosby, Crow, Dolbare, Flowers, Gaines, Hamilton, Haney, Harvey, Higginbotham, Holley, Knight, Laird, Layson, McDaniel, McKee, Morton, Payne, Powell, Sanderford, Smith (C), Smith (R), Turnham, Warren and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 239. Proposing an Amendment to the Constitution of Alabama of 1901, to authorize and require the levy of a minimum local ad valorem tax for school purposes in each school district in the state and to provide the procedure to further increase local ad valorem taxes in school districts.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Ghee, Dial, and Bennett.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 470. To provide for the environmental commemorative tag program; to provide for certain fees for environmental commemorative tags to be distributed to the Alabama Environmental Education Fund to be used for environmental education; for this purpose to amend Section 32-6-150 of the Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Dial, Hale, and Bedsole.

MCDOWELL LEE
Secretary

H. 541 TAKEN UP

And the bill:

H. 541. To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

was taken up.

AMENDMENT OFFERED

Representative Perdue offered the following amendment to the bill, H. 541:

Amend H. 541 on page 10, Section 1, line 6 by adding after the word "system" at the end of the line the following: Provided that the provisions of this subsection (k) shall not apply in any county that has a Class I municipality within the county.

AMENDMENT TABLED

On motion of Representative Hawkins, the amendment offered by Representative Perdue to the bill, H. 541, was tabled.

Yeas 28; Nays 5.

Yea:

Representatives Biddle, Cagle, Carns, Cosby, Crow, Curry, Gaines, Haney, Harper, Hawkins, Hogan, Hooper, Knight, Layson, McKee, McMillan, Mikell, Morton, Parker (T), Payne, Powell, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham and Willis.

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Nay:

Representatives Bryant, Bugg, Grayson, Holley and Kennedy.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Representative Carothers that the House adjourn until 1:00 o'clock p.m., Tuesday, May 5, 1992, was lost.

Yeas 21; Nays 33.

Yea:

Mr. Speaker, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Collins, Crow, Dolbare, Grayson, Hamilton, Haney, Haynes, Laird, Mikell, Millican, Smith (C), Starkey and Willis.

-21

Nay:

Representatives Biddle, Cagle, Carns, Cosby, Curry, Escott-Russell, Flowers, Gaines, Gaston, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Knight, Kvalheim, Layson, McKee, McMillan, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Sanderford, Sanderson, Spratt, Turnham, Warren and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:12 P.M. on April 30, 1992.

H.J.R. 330	H.J.R. 319	H.J.R. 295
H.J.R. 313	H.J.R. 320	H.J.R. 296
H.J.R. 314	H.J.R. 332	H.J.R. 297
H.J.R. 315	H.J.R. 335	H.J.R. 298
H.J.R. 316	H.J.R. 209	H.J.R. 299
H.J.R. 324	H.J.R. 217	H.J.R. 300
H.J.R. 325	H.J.R. 219	H.J.R. 328
H.J.R. 326	H.J.R. 221	H.J.R. 97
H.J.R. 327	H.J.R. 222	H.J.R. 98
H.J.R. 329	H.J.R. 224	H.J.R. 105
H.J.R. 333	H.J.R. 228	H.J.R. 109
H.J.R. 334	H.J.R. 230	H.J.R. 125
H.J.R. 341	H.J.R. 236	H.J.R. 126
H.J.R. 336	H.J.R. 237	H.J.R. 136
H.J.R. 355	H.J.R. 239	H.J.R. 137
H.J.R. 356	H.J.R. 241	H.J.R. 143
H.J.R. 357	H.J.R. 242	H.J.R. 160
H.J.R. 361	H.J.R. 249	H.J.R. 161
H.J.R. 362	H.J.R. 284	H.J.R. 163
H.J.R. 308	H.J.R. 285	H.J.R. 165
H.J.R. 311	H.J.R. 294	

Delivered to the Secretary of State at 4:40 P.M. on April 30, 1992.

H. 612 (Constitutional Amendment)

JOURNAL OF THE HOUSE, 1992
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Delivered to the Governor at 4:45 P.M. on April 30, 1992.

H. 649	H. 692	H. 568
H. 650	H. 735	H. 567
H. 652	H. 737	H. 600
H. 653	H. 651	H. 770
H. 406	H. 655	H. 771
H. 501	H. 657	H. 773
H. 376	H. 607	H. 775
H.J.R. 253	H. 622	H. 779
H.J.R. 254	H. 747	H. 765
H.J.R. 255	H. 654	H. 766
H.J.R. 256	H. 656	H. 767
H.J.R. 267	H. 739	H. 768
H.J.R. 268	H. 744	H. 769
H.J.R. 271	H. 722	H. 789
H.J.R. 277	H. 726	H. 19
H.J.R. 279	H. 734	H. 703
H.J.R. 281	H. 736	H. 704
H.J.R. 282	H. 748	H. 786
H.J.R. 283	H. 20	H. 614
H. 673	H. 72	

GREG PAPPAS
Clerk

ADJOURNMENT

The hour of 12:00 o'clock Midnight having arrived, and pursuant to the resolution, H.R. 393, heretofore adopted, the Speaker declared the House adjourned until 1:00 o'clock p.m., Tuesday, May 5, 1992.

TWENTY-EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, May 5, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Mike Rippy, Evangel Temple, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Tiffany Webb, 9th Grade, Stanhope Elmore High School, Millbrook, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the twenty-seventh legislative day was dispensed with, the Report of the Standing Committee on Rules was concurred in and adopted and the Journal for the twenty-seventh legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative McMillan, leave of absence was granted for Representative Turner.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 4. To amend Section 41-19-7 of the Code of Alabama 1975, relating to the presentation of the proposed budget by the Governor.

MCDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Carothers and Johnson:

H.R. 403. MOURNING THE DEATH OF ROBERT R. BONNER OF THE BLUE RIDGE COMMUNITY OF ELMORE COUNTY, ALABAMA.

MOTION IN WRITING

Representative Venable filed the following Motion in Writing:

Having voted on the prevailing side by which S. 2 failed the House of Representatives, I move that said bill be reconsidered.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. RATIFYING THE ORIGINAL PROPOSED SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.

On motion of Representative McKee, the resolution, S.J.R. 17, was adopted.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Box, Bugg, Buskey (JL), Butler, Cagle, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Penry, Petelos, Powell, Rich, Rockhold, Sanderson, Spratt, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S.J.R. 81. ESTABLISHING TASK FORCE TO STUDY HEALTH CARE REFORM AND COST CONTAINMENT.

The question was then on the adoption of the substitute reported by the Standing Committee on Rules, said committee substitute being as follows:

**ESTABLISHING TASK FORCE TO STUDY HEALTH CARE REFORM,
COST CONTAINMENT AND MEDICAID AND TO DEVELOP
RECOMMENDATIONS TO THE LEGISLATURE FOR IMPROVED MEDICAID
TAX PACKAGE**

WHEREAS, this Legislature is concerned about accessible, quality, affordable health care for the citizens of Alabama; and

WHEREAS, the Alabama Legislature is debating a Medicaid Tax Package which includes a sunset provision effective October, 1995 and the development and improvement on the 1992 Medicaid tax package should begin immediately; and

WHEREAS, the time has come to shift the main focus in health care from illness and cure to an orientation toward prevention, wellness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established the Alabama Health Care Reform and Medicaid Tax Task Force. Composed of three members of the House and three members of the Senate appointed by the presiding officer of each house. The Attorney General or his designee shall serve on the Task Force. The Medicaid Agency shall provide such staff assistance as is needed by the Task Force or their Agents. In addition, the Task Force or their Agents shall solicit and encourage participation by representatives of the following governmental agencies, industries, and professions: the Legislature, hospital administration, physicians, the Department of Public Health, members of hospital boards of directors, businesses, labor, insurance, pharmacists, pharmaceutical businesses, nursing, judges and attorneys among others determined appropriate by the Task Force or their Agents.

The Chairman and Vice Chairman of the Task Force shall be elected at the first meeting by members of the committee. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature.

BE IT RESOLVED, That the Task Force shall study all aspects of health care reform including, but not limited to: cost containment, the certificate of need program; operating room procedures; the necessity of certain medical testing; medical and hospital fees; costs of prescription and non-prescription drugs; discounted rates for certain groups for hospital care; indigent medical care; uncompensated medical care; rural health care; collection practices for medical care; medical insurance; public payors; prevention of illness techniques; hospital financial data such as usual charges, length of stay, costs comparisons; and comparisons with other states.

RESOLVED FURTHER, That any plan of health care reform and cost containments shall, at a minimum, include the following:

- (1) Required usage of managed care in the public plan and encouraged usage in private plans.
- (2) Incentives for consumers and providers to utilize managed care arrangements.
- (3) Controlled growth of the health care system through planning and prudent resource allocation.
- (4) Incentives for consumers and providers to be more cost efficient in exercising health care options.
- (5) Development of health care policies based on effectiveness and outcomes research; assurance of direct access to a full range of qualified providers.
- (6) The elimination of unnecessary bureaucratic controls and administrative procedures.

RESOLVED FURTHER, The Task Force shall have the power to hire any professional health care consultants necessary to accomplish the goals of analyzing health care issues and for developing alternative Medicaid tax packages. The Task Force shall make periodic reports to the Legislature. The Task Force shall report to the legislature no later than 90 days prior to the Legislative session in 1995, immediately following that Legislative session the Task Force shall expire.

SUBSTITUTE ADOPTED

On motion of Representative Carothers, the committee substitute was adopted.

And the resolution, S.J.R. 81, as amended, was adopted.

Yeas 32; Nays 9.

Yea:

Mr. Speaker, Beasley, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Clark (W), Collins, Ford, Gaines, Gaston, Gullatt, Harper, Hill, Kennedy, Kvalheim, McClain, McDowell, Millican, Newton (C), Penry, Poole, Rockhold, Rogers (J), Sanderson, Smith (R), Venable, Walker, Warren and Zoghby.

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Nay:

Representatives Freeman, Grayson, Hall, Higginbotham, Holley, Knight, Mikell, Morrow and Payne.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 248. To levy an additional two and one-half mill ad valorem tax and an additional five mill ad valorem tax and provide for the distribution of the respective proceeds therefrom, to provide that the aforesaid levies shall be contingent upon the approval by the qualified electors of the state of, in the case of the two and one-half mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 252 at the 1992 Regular Session of the Legislature, and in the case of the five mill levy, the amendment to the Constitution of Alabama of 1901 that was proposed by the Act that was introduced as House Bill 242 at the 1992 Regular Session of the Legislature.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 229. To amend Sections 16-5-8 to 16-5-10, inclusive, Code of Alabama 1975, relating to the Alabama Commission on Higher Education, to prescribe further powers and duties.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Owens, and Hale.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 243. To amend Sections 40-7-25.1, 40-7-25.2, 40-7-25.3, 40-8-1, 40-9-1, and 40-11-1, Code of Alabama 1975, relating to current use valuation, the assessment of property, the rate of state ad valorem tax, exemptions from ad valorem taxation, and the subjects of taxation, and to repeal Sections 40-8-4, 40-8-5, 40-9-1.1, to 40-9-28, inclusive, Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 245. To provide for the Alabama Transaction Tax Act of 1992; to amend Sections 11-51-180 to 11-51-182, inclusive, 11-100-3, 11-100-4, 11-100-7, 16-15-11, 16-16-11, 40-12-4, 40-12-6, 40-12-7, 40-21-85, 40-21-106, 40-21-122, and 40-29-73, Code of Alabama 1975; to repeal Sections 11-51-200 to 11-51-207, inclusive, 34-27-65, 40-12-220 to 40-12-227, inclusive, 40-23-1 through 40-23-121, inclusive, and 40-26-1 through 40-26-21, inclusive, Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 246. To authorize the abatement of local ad valorem taxes (other than those imposed for public school purposes and for capital improvements for public education), construction related transactions taxes, and mortgage and recording taxes incurred in establishing or expanding industries in Alabama; provides a procedure for granting the abatement of local ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes; limits the tax exemptions available through various public agencies and authorities and local governments; to require additional reporting of county tax assessing officials so that the annual abstract of property identifies and lists property by class and by public school system within the county; to provide transition rules; to preserve rights and obligations accrued under repealed laws; to provide for the severability of any invalid provision; to provide effective dates; to amend Section 40-7-35 and to repeal Sections 40-9-40 through 40-9-49, Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 5. FORBIDDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FROM POSTING "NO SKIING" SIGNS ON FOWL RIVER IN MOBILE COUNTY.

On motion of Representative Rockhold, the resolution, S.J.R. 5, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 247. To provide for the reporting of tax exempt property by any lessee of the property; to provide for reports from the several county tax assessors and to the State Department of Revenue; and to provide penalties.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 252. To amend the Constitution of Alabama of 1901, by proposing amendments to Sections 217 (as amended by Amendment 373), 229 (as amended by Amendment 27), 232 (as amended by Amendment 473), of the Constitution of Alabama of 1901 and Amendment 25 of the Constitution and to repeal Sections 91 and 261 and to repeal Amendments 61, 212, 225 and 448 of the Constitution of 1901 so as to provide for the assessment of all property in three classifications; to provide for homestead and other exemptions; to permit but not require the Legislature to impose corporate franchise taxes; to authorize the imposition of an income tax; to repeal the requirement for personal exemptions in the income tax; to modify the earmarking of the income tax; to repeal the requirement that the federal income tax be deductible in computing net income. In addition, this bill would authorize the levy by the Legislature of an additional state ad valorem property tax at a rate not to exceed twenty-five one hundredths of one percent on the value of the taxable property within the state and provide for the distribution of the proceeds to be derived from said special tax for certain specified purposes. This bill would also limit total appropriations from state funds in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which said appropriations are being made; provide a procedure for appropriation of balances; provide a procedure for supplemental appropriations during special sessions; provide for a 1 year phase-in period for appropriations from the State General Fund and a 5 year phase-in period for appropriations from the Alabama Special Educational Trust Fund; provide a procedure for appropriations of revenue-raising measures; provide that the Governor will present his proposed basic appropriation bills and revenue-raising measures to the Legislature 30 days prior to a regular session; provide the time frames within the regular session in which appropriation bills are to be considered by each house of the Legislature; provide an automatic emergency budgetary special session if the Legislature fails to meet its deadlines; provide time frames for the return of appropriation bills by the Governor; to provide that the provisions of this proposed amendment to the Constitution shall be linked to the enactment and ratification of certain bills introduced in the 1992 Regular Legislative Session and also to provide election procedures for this proposed

amendment to the Constitution.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Owens, and Hale.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 249. To provide for the Franchise Tax Reform Act of 1992; to amend Sections 40-14-40, 40-14-41, 40-14-49, 40-14-52, 40-14-53, 40-14-56, and 10-2A-260 and 10-2A-261 of the Code of Alabama 1975; to repeal Sections 40-14-1 through 40-14-3, inclusive, 40-14-20 to 40-14-23, inclusive, 40-14-41.1, 40-14-42 to 40-14-48, inclusive, 40-14-50, 40-14-51, 40-14-54, 40-14-55, and 40-14-70 to 40-14-74, inclusive, Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 281. To hereby repeal the statutory earmarking of certain state revenue sources.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 251. To modify the tax imposed on the net income of corporations by repealing Code of Alabama (1975), Sections 40-16-1 through 40-16-8, 40-18-1 through 40-18-85, and 40-18-120 through 40-18-176; to provide for the determination of net income subject to said tax; to provide for the types and categories of income exempt from said tax; to provide for the imposition of a single rate income tax based on federal taxable income; to provide transitional rules and elections to reflect differences between Alabama and federal law; to provide for the collection of the tax by payment with returns, and by estimated tax payments; to provide for the severability of any invalid provision; to repeal conflicting laws; and to provide for effective dates and contingencies.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 227. To create the Commission on the Governance of Higher Education; and to provide an appropriation for the implementation of the act.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 221. To give the Act a title; to amend Section 16-6-1, Code of Alabama 1975 to require the appointment of fifteen members to the Alabama Education Study Commission; the procedure for the appointment of members to the Education Study Commission by the Governor, Lieutenant Governor, the Speaker of the House, State Board of Education, the Alabama Association of School Boards, the Alabama Education Association, and the Business Council of Alabama; to require a system of terms for members of the Alabama Education Study Commission; to change the length of terms for members of the Alabama education study commission, and to cause the terms of the current members of the commission to expire on the effective date of this Act; to establish a per diem for commission members; to amend Section 16-6-2, Code of Alabama 1975 to provide for a quorum for the Alabama Education Study Commission; to amend Section 16-6-5.1, Code of Alabama 1975 relating to the duties and responsibilities of the Standards on Excellence Commission, require the creation of an Education Master Plan to be approved by the state board of education, and to provide for the appointment of a committee of five persons to develop and implement a system to provide grants to individual schools for innovation and improvement of education, to provide for the appointment of this committee by the Alabama Education Study Commission and to provide that the commission shall develop plans for improving parental involvement in the educational process of children; to amend Section 16-8-1, Code of Alabama 1975 regarding the qualifications for membership on a county board of education to provide that a member of a county board of education have a high school education or a G.E.D. equivalency and after election successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards and to provide that certification of the completion of the training be certified to the State Department of Education; to amend Section 16-8-2 of the Code of Alabama 1975, relating to terms of office for county board of education members, to provide further for the length of terms; to amend Section 16-8-23, Code of Alabama 1975 to provide that a county superintendent of education may suspend employees of the local board of education without pay for a period not to exceed ten (10) working days per school year and to provide for a method of providing due process to employees who are so suspended; to amend Section 16-9-1, Code of Alabama 1975; to repeal Section 16-9-12, Code of Alabama 1975; to amend Section 16-11-2, Code of Alabama 1975 regarding the qualifications for membership on a city board of education to provide that a member of a city board of education have a high school education or a G.E.D. equivalency and after appointment successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards or any other such organization which shall be approved by the State Board of Education or by legislative act and to provide that certification of the completion of the training be certified to the State Department of Education, and to provide for compensation of members of city boards of education; to amend Section 16-11-1, Code of Alabama 1975 to provide that a city must have population of 15,000 or more inhabitants before said city may establish a city board of education and to repeal any laws conflicting with this requirement; to amend Section 16-13-199, Code of Alabama 1975 to require that a city have a population of 5,000 or more inhabitants before said city may create a city board of education and to repeal any

laws conflicting with this section; to amend Section 16-11-3, Code of Alabama 1975 to provide that a member of the city board of education shall take the oath required by the Constitution of the State of Alabama of 1901 before assuming office; to repeal Section 16-11-17, Code of Alabama 1975; to provide for the suspension of employees of a city board of education and to provide a due process system for initiating such a suspension; to amend Section 16-12-1, Code of Alabama 1975 to provide a term of office for city superintendents of education, to provide for termination of a city superintendent and to provide for compensation for a city superintendent; to amend Section 16-23-14, Code of Alabama 1975 to require the State Board of Education to authorize and prescribe minimum standards for each institution of higher education engaged in teacher training so as to require remediation to teacher training graduates who demonstrate a need as reflected by performance-based evaluation for remedial training or development in his or her first three years of employment as a teacher; to repeal Section 16-24-1 through Section 16-24-38, Code of Alabama 1975; to repeal Section 36-26-100, through Section 36-26-108 Code of Alabama 1975; to define teacher, support employee, superintendent, and employing board; to establish criteria for determining teacher tenure, to establish criteria for determining support employee tenure, to define principal, to establish criteria for determining tenure of a principal, to provide for tenured principals, to provide for nontenured principals, compensation for nontenured principals, and election for tenured principals to become nontenured principals, to provide for duties and evaluation of principals, to provide for an appeal of the evaluation of principals, to provide that a contract of an employee is effective until superseded or canceled, to provide that compensation may not be changed for a succeeding year, to provide for the transfer of tenured and nontenured principals, teachers and support employees, to provide for the grounds of cancellation of a teacher contract, to provide a hearing procedure for employees, to provide for an appeal of an employing board's final decision only to the Court of Civil Appeals, to provide for the cancellation of a contract by an employee, to provide for the effect of leave of absence on tenure, and to provide for the abolition of boards of school trustees and the repeal of Sections 16-10-1 through 16-10-11, Code of Alabama 1975, and to repeal all conflicting laws.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 225. To authorize the Alabama Commission on Higher Education to develop a tuition loan program for talented residents to attend a postsecondary institution for the sole purpose and intent of becoming a certified teacher employed in critical need areas of the state.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 234. To establish the Commission on Economy and Productivity to study and analyze the operation and administration of each agency of state government to determine the means, methods, and manner by which the services of the state may be afforded to the citizens in the most efficient, expeditious, and economical manner; to provide for the appointment, term of office, payment of expenses, functions, and duties of the members of the commission, to provide for a Legislative Oversight Committee; and to provide for a conditional implementation.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 240. To modify the tax imposed on the net income of individuals, trusts, estates, by repealing Code of Alabama (1975) Sections 40-18-1 through 40-18-39, 40-18-41 through 40-18-49, 40-18-51, 40-18-52, 40-18-54, 40-18-55, 40-18-57

through 40-18-76, 40-18-78, 40-18-81 through 40-18-85, and 40-18-120 through 40-18-176; to provide for the determination of net income subject to income tax; to provide for the types and categories of income exempt from said tax; to provide for the imposition of an income tax based on federal taxable income with modifications; to provide transitional rules and elections to reflect differences between prior Alabama and federal law; to provide for the treatment of certain corporations electing to be taxed as S corporations; to provide for the collection of the tax by payment with returns, by withholding from salaries and wages, and by estimated tax payments; to provide certain transitional rules and elections; to provide for the severability of any invalid provision; and to provide for the bill to become effective only if an amendment to the Constitution of Alabama of 1901, proposed in H.B. 252 of the 1992 Regular Session, is adopted by the people and proclaimed by the Governor.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 233. To establish the Alabama Commission to Study the Tax Burden on Alabama Citizens with Low Income; to require the Legislative Fiscal Office and Alabama Department of Revenue to conduct a Tax Burden Study and to assist the Commission created herein; to provide for the powers and duties of said Commission; to provide for the severability of the provisions hereof; and to provide for an effective date.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: deGraffenried, Hale, and Owens.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 373. COMMENDING CHARLES LARIMORE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 374. COMMENDING THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 376. DESIGNATING THURSDAY, MAY 7, 1992, AS ALABAMA DAY OF PRAYER.

Also:

H.J.R. 382. COMMENDING MR. LEROY BANDY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 385. COMMENDING THE ALABAMA SCHOOL FOR THE BLIND REDSKIN WRESTLING TEAM.

Also:

H.J.R. 386. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIOR VARSITY FOOTBALL TEAM.

Also:

H.J.R. 388. CONGRATULATING SYLACAUGA LADY AGGIES GIRL'S BASKETBALL TEAM ON THE 1992 STATE 5-A CHAMPIONSHIP.

Also:

H.J.R. 392. RELATIVE TO MEETING DAYS

Also:

H.J.R. 395. COMMENDING R. W. "RONNY" DONALDSON FOR HIS CARING CONCERN FOR HIS COMMUNITY AND STATE.

Also:

H.J.R. 396. COMMENDING THE TONEY HISTORICAL SOCIETY OF TONEY, ALABAMA.

Also:

H.J.R. 398. COMMENDING BRIAN ROGERS FOR HIS PARTICIPATION WITH THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA.

Also:

H.J.R. 400. COMMENDING CALLIE WALDROP ON HER ELECTION AS PRESIDENT OF A.E.A.

Also:

H.J.R. 402. COMMENDING ALABAMA'S RETAIL STORE CLERKS.

MCDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 393. To establish the "Alabama Child Nutrition Law"; to provide that each board of education shall establish school breakfast and lunch programs beginning with the 1993-94 school year; to authorize the state board of education to promulgate rules for the compliance of this act; and to provide for enforcement and the imposition of sanctions by the state superintendent of education.

TOMMY CARTER
Chairman

And the bill, H. 393, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 16. Providing for distinctive motor vehicle license tags or plates for

supporters of "Square and Round Dance"; prescribing the fees for these tags and plates; providing for disposition of the net proceeds from the fees, and providing for a delayed effective date.

S. 69. To provide that certain full-time employees and executive officers of the Alabama state special olympics, inc., may elect to become members of the teachers' retirement system of Alabama; to provide that the entity and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state, and to provide for purchase of certain previous service credit in such system retroactively.

S. 213. To establish the Alabama Insurance Board to negotiate group health insurance coverage for all residents and their dependents of the State of Alabama who wish to acquire it and to make an appropriation.

S. 311. Relating to funding domestic violence centers; to amend Section 30-6-6 of the Code of Alabama 1975, to remove the requirement that one-half of the funding for facilities must be from local sources.

S. 428. To provide that certain full-time employees and executive officers of the Alabama Sports Festival, Inc., a nonprofit corporation, may elect to become members of the Teachers' Retirement System of Alabama; to provide that the Alabama Sports Festival, Inc., and its employees shall assume all costs, both contributory and administrative, and no cost shall devolve upon the state; and to provide for the purchase of certain previous service credit.

S. 434. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1992, and to require an operations plan and audited financial statement prior to release of any funds.

S. 540. Relating to the preservation and development of coastal areas of this state; to declare a moratorium until January 1, 1995, on the permitting, construction, or expansion of any new or existing sanitary landfills in any county which contains coastal areas; and direct the Alabama Department of Environmental Management to conduct an environmental impact study during the moratorium period on the potential environmental impact that new sanitary landfills or expansions of existing sanitary landfills may have on the coastal waters, estuaries, and estuarine sanctuaries located in any county which contains coastal areas.

S. 248. To exempt all property owned by Community Health Systems, Inc. and the Walker Regional Medical Center from any state, county, and local ad valorem taxes.

S. 518. To amend Section 27-44-3, Code of Alabama 1975, relating to the scope of coverage provided by the Alabama Life and Disability Insurance Guaranty Association, to restrict the coverage by the association to residents of

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the State of Alabama except as specified herein.

S. 452. To authorize payroll deductions for state employees for the Foster Care Trust Fund.

S. 324. To increase the attorney business license taxes, provide further for the collection of the taxes, and for the certification of names of licensed attorneys; and to amend Section 40-12-49, Code of Alabama 1975.

Representative Thomas, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 262. To amend Section 41-16-51, Code of Alabama 1975, to exempt purchases of computers and wordprocessing hardware and custom software from competitive bidding requirements.

Representative Beasley, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 191. To extensively revise the current Child Labor Laws relating to employment and the safety, health and welfare of persons 17 years of age and younger in the workplace; to update the state statutes to conform to the Federal Child Labor Standards Act, as revised; to repeal conflicting laws and specifically Sections 25-8-1 through 25-8-31, Code of Alabama 1975, as amending the current Child Labor Laws; and to retain certain misdemeanor criminal penalties for violations.

Representative Zoghby, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 525. To permit certain governmental entities to hedge against interest rate, investment, payment, and similar risks in connection with their proper activities by entering into "swap agreements" and provide for conditions, requirements and definitions applicable thereto.

Representative Flowers, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 19. To provide for mandatory errors and omissions insurance coverage

for all active real estate licensees; to authorize the real estate commission to contract for such coverage in compliance with state competitive bid laws; to allow optional coverage by any insurance carrier which meets minimum standards; to provide that no such coverage shall be required when it is not available at a reasonable premium and to authorize such commission to promulgate and implement administrative rules and procedures to carry out the provisions of this act.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 70. To amend Section 32-5-76 of the Code of Alabama 1975, to provide for certain loads on motor vehicles to be covered and secured and to provide for exemptions.

S. 234. Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975; and providing for a delayed effective date.

S. 329. To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property; and to provide for the retroactive effect of this act.

Representative Hooper, Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 447. (With Substitute): To establish the Alabama Small Business Incubator Act of 1992 to promote and establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 371. To amend Section 36-7-1 of the Code of Alabama 1975, to provide that certain requirements relating to the reimbursement of travel expenses of municipal officers and employees will not apply to the use of municipal credit cards by these officers and employees.

Representative Bowling, Chairperson of the Standing Committee on Local

Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 182. Relating to Etowah County, authorizing the county commission to levy an annual license or privilege fee upon certain businesses, vocations, occupations, callings, or professions; authorizing the county commission to promulgate necessary rules and regulations; providing for the allocation of fee receipts; and providing a prospective effective date.

S. 572. Relating to Clay County; to increase the emergency telephone service charges and to provide for a referendum.

S. 600. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

S. 602. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

S. 609. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

S. 617. Relating to Marshall County; to require that all constables, elected or appointed in the county after the effective date of this act, shall have attended and completed a course of study at a police academy and shall be in full compliance with the minimum standards under the Peace Officers' Standards and Training Statutes, and to exempt any constable holding office in Marshall County on the effective date of this act from its provisions.

Representative Zoghby, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 577. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

S. 579. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

S. 561. To alter, rearrange, and redefine the boundaries and corporate

limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same, to the city; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

S. 606. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

S. 578. Relating to Mobile County; to allow persons, regardless of profession, to be duly appointed to and to serve on any Mobile County board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Mobile County; and making the effect retroactive to January 1, 1973.

Representative Gullatt, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 232. To provide that any elected county official participating in the Employees' Retirement System as a member thereof may, prior to September 30, 1993, elect to cease membership in said system; and to provide that in the event of the making of such election, such official's right to receive benefits otherwise under said system shall not be affected.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 586. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

S. 587. Relating to Cleburne County; to increase the emergency telephone service charges and to provide for a referendum.

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S. 590. Regulating sales of alcoholic beverages in Calhoun County; imposing a sales tax on spirituous or vinous liquors sold for on-premises consumption in the county; providing for the administration and enforcement of this act; providing penalties for violations; and specifically repealing Act No. 1014, S. 1134 of the 1975 Regular Session and Act No. 2220, H. 2829 of the 1971 Regular Session.

S. 591. Relating to Calhoun County; providing further for the distribution of the beer taxes imposed pursuant to Section 28-3-190, Code of Alabama 1975 and providing for retroactive effect.

S. 601. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

S. 603. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

S. 604. Relating to Lowndes County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; to provide for an expense allowance for the tax assessor for administering this act; and to provide for an effective date.

S. 605. Relating to Lowndes County; providing for an additional expense allowance for the Sheriff.

S. 613. Relating to Colbert County; fixing the fee for the issuance of pistol permits, providing for the deposit of the fees in a fund known as the Sheriff's Special Fund, and providing for the disposition of these fees, and specifically repealing Act No. 81-227, H. 669, 1981 Regular Session (Acts 1981, p. 306).

S. 615. Relating to Perry County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more conve-

nient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; and to provide for an effective date.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Gullatt, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committee on Local Government to meet while the House is in Session.

RESOLUTIONS

The following resolutions were introduced:

By Representative Campbell:

H.J.R. 404. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Tuesday, May 5, 1992, they adjourn to meet again on Thursday, May 7, 1992, and when they adjourn on Thursday, May 7, 1992, they adjourn to meet again on Monday, May 18, 1992, and when they adjourn on Monday, May 18, 1992, they adjourn sine die.

On motion of Representative Campbell, the rules were suspended and the resolution, H.J.R. 404, was adopted.

Also:

By Representative Campbell:

H.R. 405. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, May 5, 1992, we adjourn to meet again on Thursday, May 7, 1992, at 10:00 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 405, was adopted.

Also:

By Representatives Buskey (JL), Holmes and Hooper:

H.J.R. 406. COMMENDING CHESTER D. MALLORY OF MONTGOMERY, ALABAMA, PROFESSIONAL SECRETARIES INTERNATIONAL 1992 EXECUTIVE OF THE YEAR.

WHEREAS, this Legislature notes with pride that Chester D. Mallory, owner and chief executive officer of Mallory Realty Company, Inc., of Montgomery, has been named "Executive of the Year" by the Montgomery Area Chapter of Professional Secretaries International; and

WHEREAS, Mr. Mallory, who also is an assistant professor of Psychology at Alabama State University, employs 17 people in his real estate agency, which is celebrating its 20th anniversary; and

WHEREAS, he is active in both civic, charitable, and religious affairs, serving on the boards of the Central YMCA, Brantwood Children's Home, the Gift of Life Foundation, Partners in Education, as well as holding membership in the NAACP, Cleveland Avenue YMCA, Alpha Phi Alpha Fraternity, Prince Hall Masons, the Shriners, and First CME Church; and

WHEREAS, Mr. Mallory's professional associations include the Alabama, Southeastern, and American Psychological Associations; Montgomery Area Association of Realtors; local, state, and national chapters of the Home Builders Association; and the Montgomery Area Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Chester D. Mallory of Montgomery, Alabama, as 1992 Executive of the Year, and do further direct that he receive a copy of this resolution of sincere praise and warmest personal regard.

On motion of Representative Buskey (JL), the rules were suspended and the resolution, H.J.R. 406, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Buskey (JL), Holmes and Hooper:

H.R. 407. COMMENDING CHESTER D. MALLORY OF MONTGOMERY, ALABAMA, PROFESSIONAL SECRETARIES INTERNATIONAL 1992 EXECUTIVE OF THE YEAR.

Also:

The following resolutions were introduced:

By Representatives Harper and Holmes:

H.J.R. 408. COMMENDING ALABAMA MEDICAID COMMISSIONER CAROL A. HERRMANN.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates Carol A. Herrmann, State Medicaid Commissioner, upon her election as vice president of the State Medicaid Directors Association; and

WHEREAS, Commissioner Herrmann, who has been active with the national organization since her appointment by Governor Hunt in 1988, is completing a term as treasurer, and will officially take office for her one-year term as vice president at the June meeting of the association to be held in Washington, D. C.; and

WHEREAS, the State Medicaid Directors Association represents Medicaid programs in all 50 states, and is a national network operating with the support and assistance of the American Public Welfare Association, both of which serve to give administrators of our nation's social programs a strong voice in setting policy at the state and national levels for the provision of assistance to millions of America's children, the elderly and low-income families; and

WHEREAS, Ms. Herrmann's recent election as vice president of the State Medicaid Directors Association is truly a distinguished honor and one which reflects the admiration of her peers and their regard for her leadership ability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Alabama Medicaid Commissioner Carol Herrmann on her election as vice president of the national State Medicaid Directors Association, and do further direct that she receive a copy of this resolution of sincere praise and regard.

On motion of Representative Harper, the rules were suspended and the resolution, H.J.R. 408, was adopted.

Also:

By Representative Harper:

H.J.R. 409. COMMENDING THE ALABAMA UNITS OF WAVES NATIONAL.

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WHEREAS, in 1942 during World War II, the Congress authorized the establishment of the Women's Reserve of the United States Naval Reserve and these Navy Women became known as WAVES, "Women Accepted for Volunteer Emergency Service," and in 1948, after the passage of the Women's Armed Service Integration Act, women officially became a part of the Regular Navy and the Naval Reserve; and

WHEREAS, WAVES National, with a membership of over 6,000 women who served or are now serving in the United States Navy, is celebrating its Fiftieth (50th) Anniversary of service to our great nation in the cause of freedom for all mankind; Alabama has two charter units in our great state, Heart of Dixie, Unit #22 in Birmingham, Alabama, and Seafarers, Unit #115 of Mobile, Alabama; and

WHEREAS, the Heart of Dixie, Unit #22, which has 70 members, has assembled a WAVES History display at the Southern Museum of Flight in Birmingham that is the only Navy Women museum display in our state; and the Seafarers, Unit #115 of Mobile, has participated in a "Living History Symposium" at Mobile College to promote the awareness of Navy Women and their illustrious history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the WAVES on their Fiftieth Anniversary celebration, and do further most highly commend Alabama's two charter units on their promotional endeavors to preserve the history of Navy women.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Mrs. Luayne R. Kendrick, president, Heart of Dixie Unit #22, Birmingham, Alabama, and to Mrs. Mary O'Brien Holcombe, president, Seafarers Unit #115 of Mobile, Alabama.

On motion of Representative Harper, the rules were suspended and the resolution, H.J.R. 409, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Rockhold:

H.R. 410. MOURNING THE DEATH OF JAMES EDWARD HUNN OF MOBILE, ALABAMA.

Also:

By Representatives Cosby, Thomas, Black (L), Bryant, Blakeney, Dolbare, Warren and Newton (C):

H.R. 411. COMMENDING GEORGE F. ALFORD, JR., AS 1991 OUTSTANDING EXECUTIVE DIRECTOR OF A MULTI-COUNTY PLANNING DISTRICT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 392. Relating to certain fishing licenses of the Department of Conservation and Natural Resources; to require a "saltwater fishing license" for certain persons fishing below a certain defined line and authorize the costs and fees associated therewith; to provide for certain exceptions; to amend Section 9-11-53, Code of Alabama 1975, relating to a certain freshwater fishing license, so as to further describe where it shall be required and increase the cost thereof; to delete certain provisions relating to distribution of certain license fees to the Marine Resources Division; to further prescribe certain penalties; and to provide for the sale of both licenses on a combination basis; and to provide for a reciprocal agreement between the State of Alabama Department of Conservation and Natural Resources and the State of Florida exempting persons 65 years of age or older from fishing and hunting license requirements.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the House concurred in and adopted the Senate amendment to the bill, H. 392, said Senate amendment being as follows:

On page 3, line 10 after "~~\$8.50~~" delete "ten dollars" and insert in lieu thereof the following: \$8.50

Yeas 54; Nays 2.

Yea:

Mr. Speaker, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JL), Cagle, Campbell, Carter, Clark (W), Crow, Cullins, Curry, Drake, Escott-Russell, Freeman, Gaston, Gullatt, Hammett, Harper, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, McClain, McKee, McMillan, Melton, Morrow, Morton, Newton (D), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderson, Smith (R), Spratt, Starkey, Venable, Warren, Willis and Zoghby.

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Nay:

Representatives Grayson and Haynes.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 438. To amend Sections 2, 3, and 5 of Act No. 91-667, S. 432, Regular Session 1991, (now appearing in Chapter 2A, Title 4, Code of Alabama 1975), providing for the organization of a public corporation to be known as the Alabama International Airport Authority, to further provide for the incorporation and members of the authority.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hooper, the House concurred in and adopted the Senate amendment to the bill, H. 438, said Senate amendment being as follows:

Amend House Bill 438 on Page 2, Lines 9 and 10, by striking the existing language: "~~from the members of the board of directors of the Birmingham Airport Authority.~~"

Further amend House Bill 438 on Page 5, Lines 18 and 19, by striking the existing language: "~~of the board of directors of the Birmingham Airport Authority.~~"

Further amend House Bill 438 on Page 5, Lines 25 and 26, by striking the existing language: "~~from the board of directors of the Birmingham Airport Authority.~~"

Further amend House Bill 438 on Page 7, Lines 8 and 9, by striking the existing language: "~~from the Birmingham Airport Authority Board of Directors.~~"

Further amend House Bill 438 on Page 7, Lines 11 and 12, by striking the existing language: "~~from the members of the Birmingham Airport Authority Board of Directors.~~"

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Box, Bryant, Buskey (JL), Cagle, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Foshee:

S.J.R. 127. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE HEALTH PLAN.

WHEREAS, the Legislature of Alabama is deeply concerned with the spiraling escalation of health care costs in this state; and

WHEREAS, the unreasonable escalation of health care costs continues despite the existence of health planning legislation; and

WHEREAS, the proposed 1992-1995 State Health Plan may not sufficiently address cost containment as the primary goal of orderly health planning; and

WHEREAS, the Joint Committee on Administrative Regulation Review has unanimously refused to approve the newly proposed State Health Plan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

1. That the 1988-1992 State Health Plan remain in effect until its replacement is properly adopted by the Statewide Health Coordinating Council pursuant to the Alabama Administrative Procedure Act.

2. That there is created a joint legislative committee to study the state health plan. The committee shall be composed of the Speaker of the House of Representatives; the Lieutenant Governor; the Chair of the Legislative Council; the Vice-chair of the Legislative Council and four other members of each house, to be appointed by the presiding officer of each house. The chair and vice-chair of the committee shall be elected at the first meeting by the members of the committee.

The committee shall conduct hearings and meetings with representatives of business and industry as well as providers and others having information which will assist the committee in formulating a report with recommendations to help in preparing an appropriate state health plan.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the tenth legislative day of the 1993 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Freeman, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 127, set out in the foregoing Message from the Senate.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bugg, Buskey (JL), Carothers, Carter, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Drake, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Holley, Holmes, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McMillan, Melton, Morrow, Morton, Parker (P), Parker (T), Penry, Powell, Rockhold, Rogers (F), Smith (C), Smith (R), Starkey, Turnham, Venable, White and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 153. To amend Section 36-27-50, Code of Alabama 1975, relating to temporary legislative employees, so as to provide that coverage of said employees by the state employees' retirement system and health insurance coverage shall be optional at the discretion of the employee.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Fuller, the House concurred in and adopted the Senate amendment to the bill, H. 153, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make coverage of certain legislative employees by the state employees' retirement system and health insurance plan optional at the discretion of the employee and to amend Section 36-27-50, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-27-50, Code of Alabama 1975, is amended to read as follows:

"§36-27-50.

"(a) ~~Any Notwithstanding any provision of this chapter, or of Title 36, chapter 29 to the contrary notwithstanding, any state legislative employee who has~~

worked during at least ~~the~~ five regular sessions of the legislature since ~~1979~~ 1971 or any employee who has worked ~~shall work~~ during five consecutive regular sessions of the legislature, and who is termed 'temporary employee' shall be considered a full-time employee of the state of Alabama and ~~shall may, at the option of the employee,~~ be covered as a member of the state employees' retirement system and the state employees' health insurance plan. ~~Provided, however, such~~ Notwithstanding the foregoing, coverage shall continue as if ~~such the~~ person is employed full time; ~~such.~~ The employee shall pay the full health insurance charge cost during the time ~~such the~~ employee is not on the legislative payrolls but remains eligible to continue employment during the next regular or special session of the legislature. During any legislative session ~~such that the legislative employee is employed,~~ the applicable contributions to the state employees' retirement system and to health insurance coverage for dependents, if ~~any~~ coverage is ~~had~~ subscribed to for ~~such~~ dependents, shall be deducted from the employee's pay in the same manner as for full-time state employees; ~~and the employer~~ Employer cost shall be paid from funds appropriated to the legislature.

"(b) (1) Any legislative state employee, ~~who is~~ eligible to participate in the state employees' retirement system or to participate in the state employees' health insurance program, either as a regular full-time legislative employee (including but not limited to legislative reference service personnel) or pursuant to subsection (a), ~~shall be entitled to may~~ purchase prior service which shall be based on a pro rata basis on the number of months worked during any calendar year. There shall be no penalty for interruption of service based on the legislature being out of session or of the employee not being employed in any special session; ~~provided, however, such.~~ Notwithstanding the foregoing, the employee shall be ineligible to buy any time not otherwise qualified for during any other period. The eligible legislative employee shall purchase ~~such the~~ time by paying the amount he or she would have contributed had he or she been allowed to become a member when the service was rendered.

"(2) Any employee who purchases creditable service pursuant to subdivision (b)(1) shall pay the full amount within two years after ~~becoming~~ electing to become eligible to participate pursuant to subsection (a) of this section."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaston, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson,

Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Campbell, Corbett, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hilliard, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Preuitt, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom:

S.J.R. 140. COMMENDING THE TUSKEGEE AIRMEN FOR EXTRAORDINARY AND DISTINGUISHED SERVICE.

Also:

By Senator Floyd:

S.J.R. 141. COMMENDING WYMAN TOWNSEL, COACH OF THE ETOWAH HIGH SCHOOL FOOTBALL TEAM.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clay, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 140, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Ford, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 141, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 508. To provide further for certain sales and use tax exemptions; to amend Sections 40-23-1 and 40-23-4, Code of Alabama 1975; and to provide for a retroactive effect.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House concurred in and adopted the Senate amendment to the bill, H. 508, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide further for certain sales and use tax exemptions; to amend Sections 40-23-1 and 40-23-4, Code of Alabama 1975; and to provide for a retroactive effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The provisions of this act which add the amendatory language to Sections 40-23-1 and 40-23-4, Code of Alabama 1975, shall have retroactive effect to January 1, 1984.

Section 2. It was the intent of the Legislature in enacting Section 40-23-1, Code of Alabama 1975, to impose state sales tax on the full purchase price of products that might contain any consumer excise taxes. The purpose of amending Sections 40-23-1 and 40-23-4 is to clarify and implement the actual purpose and meaning of the Legislature when it enacted the state sales and use tax statute and provided exemptions from those taxes.

Section 3. Sections 40-23-1 and 40-23-4, Code of Alabama 1975, are amended to read as follows:

"§40-23-1.

"(a) For the purpose of this division, the following terms shall have the respective meanings ascribed by this section:

"(1) PERSON or COMPANY. Used interchangeably, includes any individual, firm, copartnership, association, corporation, receiver, trustee or any other group or combination acting as a unit and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

"(2) DEPARTMENT. The department of revenue of the state of Alabama.

"(3) COMMISSIONER. The commissioner of revenue of the state of Alabama.

"(4) TAX YEAR or TAXABLE YEAR. The calendar year.

"(5) SALE or SALES. Installment and credit sales and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. Provided, however, a transaction shall not be closed or a sale completed until the time and place when and where title is transferred by the seller or seller's agent to the purchaser or purchaser's agent, and for the purpose of determining transfer of title, a common carrier or the U. S. Postal Service shall be deemed to be the agent of the seller, regardless of any F.O.B. point and regardless of who selects the method of transportation, and regardless of by whom or the method by which freight, postage or other transportation charge is paid. Provided further that, where billed as a separate item to and paid by the purchaser, the freight, postage or other transportation charge paid to a common carrier or the U.S. Postal Service is not a part of the selling price.

"(6) GROSS PROCEEDS OF SALES. The value proceeding or accruing from the sale of tangible personal property, and including the proceeds from the sale of any property handled on consignment by the taxpayer, including merchandise of any kind and character without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included within the sales price of the property sold, or any other expenses whatsoever, and without any deductions on account of losses; provided, that cash discounts allowed and taken on sales shall not be included, and 'gross proceeds of sales' shall not include the sale price of property returned by customers when the full sales price thereof is refunded either in cash or by credit. Said term 'gross proceeds of sale' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed with respect to which property the tax has been paid because

of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(7) TAXPAYER. Any person liable for taxes hereunder.

"(8) GROSS RECEIPTS. The value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character, all receipts actual and accrued, by reason of any business engaged in, not including, however, interest, discounts, rentals of real estate or royalties, and without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, any consumer excise taxes that may be included in the sales price of the property sold, or any other expenses whatsoever and without any deductions on account of losses. Said term 'gross receipts' shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn or used from the business or stock and used or consumed in connection with said business, and shall also mean and include the reasonable and fair market value of any tangible personal property previously purchased at wholesale which is withdrawn from the business or stock and used or consumed by any person so withdrawing the same, except property which has been previously withdrawn from such business or stock and so used or consumed and with respect to which property the tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same.

"(9) WHOLESALE SALE OR SALE AT WHOLESALE. Any one of the following:

"a. A sale of tangible personal property by wholesalers to licensed retail merchants, jobbers, dealers, or other wholesalers for resale and does not include a sale by wholesalers to users or consumers, not for resale;

"b. A sale of tangible personal property or products, including iron ore, to a manufacturer or compounder which enter into and become an ingredient or component part of the tangible personal property or products which such manufacturer or compounder manufactures or compounds for sale, whether or not any such tangible personal property or product used in manufacturing or compounding a finished product is used with the intent that it becomes a component of the finished product; provided, however that it is the intent of this section that no capital equipment, machinery, tools, or product, except for those materials essential for the reaction process and in direct contact with the intermediate and

finished product used for the production of the finished product shall be exempt and the furnished container and label thereof;

"c. A sale of containers intended for one-time use only, and the labels thereof, when such containers are sold without contents to persons who sell or furnish such containers along with the contents placed therein for sale by such persons;

"d. A sale of pallets intended for one-time use only when such pallets are sold without contents to persons who sell or furnish such pallets along with the contents placed thereon for sale by such persons;

"e. A sale to a manufacturer or compounder, of crowns, caps and tops intended for one-time use employed and used upon the containers in which such manufacturer or compounder markets his products;

"f. A sale of containers to persons engaged in selling or otherwise supplying or furnishing baby chicks to growers thereof where such containers are used for the delivery of such chicks or a sale of containers for use in the delivery of eggs by the producer thereof to the distributor or packer of such eggs even though such containers used for delivery of baby chicks or eggs may be recovered for reuse;

"g. A sale of bagging and ties used in preparing cotton for market;

"h. A sale to meat packers, manufacturers, compounders or processors of meat products of all casings used in molding or forming weiners and Vienna sausages even though such casings may be recovered for reuse;

"i. A sale of commercial fish feed including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis;

"j. A sale of tangible personal property to any person engaging in the business of leasing or renting such tangible personal property to others, if such tangible personal property is purchased for the purpose of leasing or renting it to others under a transaction subject to the privilege or license tax levied in article 4 of chapter 12 of this title against any person engaging in the business of leasing or renting tangible personal property to others;

"k. A purchase or withdrawal of parts or materials from stock by any person licensed under this division where such parts or materials are used in repairing or reconditioning the tangible personal property of such licensed person, which tangible personal property is a part of the stock of goods of such licensed person, offered for sale by him and not for use or consumption of such licensed person.

"(10) SALE AT RETAIL OR RETAIL SALE. All sales of tangible personal property except those above defined as wholesale sales. The quantities of goods

sold or prices at which sold are immaterial in determining whether or not a sale is at retail. Sales of building materials to contractors, builders or landowners for resale or use in the form of real estate are retail sales in whatever quantity sold. Sales of building materials, fixtures or other equipment to a manufacturer or builder of modular buildings for use in manufacturing, building or equipping a modular building ultimately becoming a part of real estate situated in the state of Alabama are retail sales, and the use, sale or resale of such building shall not be subject to the tax. Sales of tangible personal property to undertakers and morticians are retail sales and subject to the tax at the time of purchase, but are not subject to the tax on resale to the consumer. Sales of tangible personal property or products to manufacturers, quarry operators, mine operators or compounders, which are used or consumed by them in manufacturing, mining, quarrying or compounding and do not become an ingredient or component part of the tangible personal property manufactured or compounded are retail sales. The term 'sale at retail' or 'retail sale' shall also mean and include the withdrawal, use or consumption of any tangible personal property by any one who purchases same at wholesale, except property which has been previously withdrawn from the business or stock and so used or consumed and with respect to which property tax has been paid because of such previous withdrawal, use or consumption, and except property which enters into and becomes an ingredient or component part of tangible personal property or products manufactured or compounded for sale and not for the personal and private use or consumption of any person so withdrawing, using or consuming the same; and such wholesale purchaser shall report and pay the taxes thereon.

"(11) BUSINESS. All activities engaged in, or caused to be engaged in, with the object of gain, profit, benefit or advantage, either direct or indirect, and not excepting subactivities producing marketable commodities used or consumed in the main business activity, each of which subactivities shall be considered business engaged in, taxable in the class in which it falls.

"(12) AUTOMOTIVE VEHICLE. A power shovel, dragline, crawler, crawler crane, ditcher or any similar machine which is self-propelled, in addition to self-propelled machines which are used primarily as instruments of conveyance.

"(b) The use within this state of tangible personal property by the manufacturer thereof, as building materials in the performance of a construction contract, shall, for the purposes of this division, be considered as a retail sale thereof by such manufacturer, who shall also be construed as the ultimate consumer of such materials or property, and who shall be required to report such transaction and pay the sales tax thereon, based upon the reasonable and fair market price thereof at the time and place where same are used or consumed by him or it. Where the contractor is the manufacturer or compounder of ready-mix concrete or asphalt plant mix used in the performance of a contract, whether the ready-mix concrete or asphalt plant mix is manufactured or compounded at the job site or at a fixed or permanent plant location, the tax applies only to the cost of the ingredients that become a component part of the ready-mix concrete or the

asphalt plant mix. The provisions of this subsection shall not apply to any tangible personal property which is specifically exempted from the tax levied in this division.

"(c) The sale of lumber by a lumber manufacturer to a trucker for resale is a sale at wholesale as such sales are defined herein where the trucker is either a licensed dealer in lumber or, if a resident of Alabama, has registered with the department of revenue, and has received therefrom a certificate of such registration or, if a nonresident of this state purchasing lumber for resale outside the state of Alabama, has furnished to the lumber manufacturer his name, address and the vehicle license number of the truck in which the lumber is to be transported, which name, address and vehicle license number shall be shown on the sales invoice rendered by the lumber manufacturer. The certificate provided for herein shall be valid for the calendar year of its issuance and may be renewed from year to year on application to the department of revenue on or before January 31 of each succeeding year; provided, that if not renewed the certificate shall become invalid for the purpose of this division on February 1.

"(d) The dispensing or transferring of ophthalmic materials, including lenses, frames, eyeglasses, contact lenses and other therapeutic optic devices, to a patient by a licensed ophthalmologist or optometrist, as a part of his or her professional service, shall not, for purposes of this division, be deemed or considered to constitute a sale, subject to the state sales tax. Such licensed ophthalmologist or optometrist shall be considered the ultimate consumer of the ophthalmic materials and shall have no responsibility or duty pursuant to this division for the collection of the state sales tax. The sale of the ophthalmic materials to a licensed ophthalmologist or optometrist by a supplier thereof shall be considered a retail sale subject to the state sales tax, and the supplier shall be responsible for collecting such sales tax from the licensed ophthalmologist or optometrist. In no event shall the providing of professional services in connection with the dispensing or transferring of ophthalmic materials by a licensed ophthalmologist or optometrist be considered a sale subject to the state sales tax. All transfers of ophthalmic materials by opticians shall be considered retail sales subject to the state sales tax. The term supplier shall include but not be limited to optical laboratories, ophthalmic material wholesalers, or anyone selling ophthalmic materials to ophthalmologists and optometrists."

"§40-23-4.

"(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a

distributor's plant within this state and transports it out-of-state, which are otherwise taxed.

"(2) The gross proceeds of the sale, or sales, of fertilizer when used for agricultural purposes. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides when used for agricultural purposes and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of wood residue, coal or coke to manufacturers, electric power companies and transportation companies for use

or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

"(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships, vessels, towing vessels, or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, or other watercraft (herein for purposes of this exemption being referred to as 'vessels') engaged in foreign or international commerce or in interstate commerce; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources.

"For purposes of this subdivision, it shall be presumed that vessels engaged in the transportation of cargo between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states are engaged in foreign or international commerce or interstate commerce, as the case may be. For the purposes of this subdivision, the engaging in foreign or international commerce or interstate commerce shall not require that the vessel involved deliver cargo to or receive cargo from a port in the state of Alabama. For purposes of this subdivision, vessels carrying passengers for hire, and no cargo, between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states shall be engaged in foreign or international commerce or interstate commerce, as the case may be, if, and only if, both of the following conditions are met: (i) the vessel in question is a vessel of at least 100 gross tons; and (ii) the vessel in question has an unexpired certificate of inspection issued by the United States Coast Guard or by the proper authority of a foreign country for a foreign vessel, which certificate is recognized as acceptable under the laws of the United States. Vessels which are engaged in foreign or international commerce or interstate commerce shall be deemed for the purposes of this subdivision to remain in such commerce while awaiting or under repair in a port of the state of Alabama if such vessel returns after such repairs are completed to engaging in foreign or international commerce or interstate commerce. For purposes of this subdivision, seismic or geophysical vessels which are engaged either in seismic or geophysical tests or evaluations exclusively in offshore federal waters or in traveling to or from conducting such tests or evaluations shall be deemed to be engaged in international or foreign commerce. For purposes of this subdivision, proof that fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce may be accomplished by the merchant or seller securing the duly signed certificate of the vessel owner, operator or captain or their respective agent on a form prescribed by the department

that the fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce. Any person filing a false certificate shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each false certificate filed shall constitute a separate offense. Any person filing a false certificate shall be liable to the department for all taxes imposed by this division upon the merchant or seller, together with any interest or penalties thereon, by reason of the sale or sales of fuel and supplies applicable to such false certificate. If a merchant or seller of fuel and supplies secures the certificate herein mentioned, properly completed, such merchant or seller shall not be liable for the taxes imposed by this division, if such merchant or seller had no knowledge that such certificate was false when it was filed with such merchant or seller.

"(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

"(12) The gross proceeds of the sale or sales of railroad cars, vessels, barges and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources, when sold by the manufacturers or builders thereof.

"(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which, at any time, enter into and become a component part of ships, vessels, towing vessels or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama Department of Conservation and Natural Resources.

"(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipalities of the state of Alabama.

"(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the

Constitution or laws of the United States or under the constitution of this state.

"(18) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(19) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce hospital and Partlow state school for mental deficient at Tuscaloosa, Alabama, and Searcy hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(20) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products, including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(21) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(22) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms and other agricultural purposes. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(23) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel.

"(24) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge. The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(25) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term 'herbicides,' as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

"(26) The Alabama chapter of the cystic fibrosis research foundation and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(27) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words 'commercial fishing vessels' shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(28) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as 'chicken litter' by poultry producers and poultry processors.

"(29) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feed for fish, livestock and poultry, and in the addition to the exemptions provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feed.

"(30) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

"a. The name and claim number as shown on a 'Medicare' card issued by the United States social security administration.

"b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(31) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(32) The gross receipts of sales of the following items or materials which are necessary in the farm-to-market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(33) The gross proceeds from the sale of liquefied petroleum gas sold to be used for agricultural purposes.

"(34) The gross receipts of sales from state nurseries of forest tree seedlings.

"(35) The gross receipts of sales of forest tree seed by the state.

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"(36) The gross receipts of sales of *Lespedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

"(37) The gross receipts of any aircraft manufactured, sold and delivered in this state if said aircraft are not permanently domiciled in Alabama and are removed to another state within three days of delivery.

"(38) The gross proceeds from the sale or sales of all diesel fuel used for off-highway agricultural purposes.

"(39) The gross proceeds from sales of admissions to any sporting event which:

"a. takes place in the state of Alabama on or after January 1, 1984, regardless of when such sales occur; and

"b. is hosted by a not-for-profit corporation organized and existing under the laws of the state of Alabama; and

"c. determines a national championship of a national organization, including but not limited to the Professional Golfers Association of America, the Tournament Players Association, the United States Golf Association, the United States Tennis Association, and the National Collegiate Athletic Association; and

"d. has not been held in the state of Alabama on more than one prior occasion, provided, however, that for such purpose the professional golfers association championship, the United States Open Golf Championship, the United States Amateur Golf Championship of the United States Golf Association, and the United States Open Tennis Championship shall each be treated as a separate event.

"(40) The gross receipts from the sale of any aircraft and replacement parts, components, systems, supplies and sundries affixed or used on said aircraft and ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words 'hub operation within this state' shall be construed to have all of the following criteria:

"a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

"b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

"(41) The gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words 'hub operation within this state' shall be construed to have all of the following criteria:

"a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

"b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

"(42) The gross proceeds of the sale or sales of the following:

"a. Drill pipe, casing, tubing, and other pipe used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

"b. Tangible personal property exclusively used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

"c. Fuel and supplies for use or consumption aboard boats, ships, aircraft and towing vessels when used exclusively in transporting persons or property between a point in Alabama and a point or points in offshore federal waters for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

"d. Drilling equipment that is used for the exploration for or production of oil, gas, sulphur, or other minerals, that is built for exclusive use outside this state and that is, on completion, removed forthwith from this state.

"The delivery of items exempted by this subdivision to the purchaser or lessee in this state does not disqualify the purchaser or lessee from the exemption if the property is removed from the state by any means, including by the use of the purchaser's or lessee's own facilities.

"The shipment to a place in this state of equipment exempted by this subdivision for further assembly or fabrication does not disqualify the purchaser or lessee from the exemption if on completion of the further assembly or fabrication the equipment is removed forthwith from this state. This subdivision applies to a sale that may occur when the equipment exempted is further assembled or fabricated if on completion the equipment is removed forthwith from this state.

"(43) The gross receipts derived from all bingo games and operations which are conducted in compliance with validly enacted legislation authorizing the conduct of such games and operations, and which comply with the distribution

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requirements of the applicable local laws; provided that the exemption from sales taxation granted by this subdivision shall apply only to gross receipts taxable under section 40-23-2(2). It is further provided that this exemption shall not apply to any gross receipts from the sale of tangible personal property, such as concessions, novelties, food, beverages, etc. The exemption provided for in this section shall be limited to those games and operations by organizations which have qualified for exemption under the provisions of 26 U.S.C. §501 (c) (3), (4), (7), (8), (10), or (19), or which are defined in 26 U.S.C. §501 (d).

"(44) The gross receipts derived from the sale or sales of fruit or other agricultural products by the person or corporation that planted, cultivated and harvested such fruit or agricultural product.

"(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail."

Section 4. In connection with the purchases of tangible personal property described in subdivision (2), (4), and (22) of subsection (a) of Section 40-23-4, Code of Alabama 1975, as amended, and therefore exempt from taxation as therein provided, the filing by the purchaser at retail of such property with the seller of a certificate in substantially the following form shall relieve the seller of any obligation to collect tax under Chapter 23 of Title 40 with respect to the sales described therein:

Exemption Certification Respecting
Fertilizers, Insecticides, Fungicides, and Seedlings

The undersigned _____
(name) (address)

_____, hereby certifies that the items of
(SCS Farm number, if available)
tangible personal property purchased by the undersigned on this date from

(name of retailer) (itemized receipt attached) will be used for the
purposes described in subdivisions (2), (4), or (22) of subsection (a) of Section
40-23-4, Code of Alabama 1975, as amended, in such manner as will render the
aforesaid purchase(s) exempt from sales or use taxation under the laws of
Alabama. The undersigned is aware that liability to pay any such tax ultimately
determined to be applicable with respect to the items so purchased will be the
exclusive responsibility of the undersigned.

(Signature)

(Date)

The seller shall furnish a copy of said certificate, with receipt attached, to the purchaser and must retain the original thereof for examination by the Department

of Revenue for a period of not less than one year from the date thereof.

Section 5. Nothing in this act shall be construed to hold any seller of beer, wine, or tobacco products, or any seller of fertilizer, insecticide, fungicide, or vegetable seeds and plants liable to the Department of Revenue, or to any entity or person claiming in its behalf, for failing to collect sales taxes on the items from January 1, 1984, until the effective date of this act.

Section 6. Except as provided in Section 1 of this act, the provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 65; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Parker (T), Penry, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Venable, Walker, Williams, Willis and Zoghby.

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Nay:

Representatives Holley, Johnson and Payne.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 790. (a) To create and establish in the City of Dothan a civil service system effecting certain personnel whose compensation is now or may hereafter be payable, in full or in part, from the public funds of Dothan; (b) to create a personnel department consisting of a citizens supervisory committee, a personnel board, and a personnel director, for the supervision and administration of the system and department herein created; (c) to fix and define the powers and authority and to prescribe the duties of each; (d) to define the scope and extent of

the operation of the system, of its powers and authority over the City of Dothan and its employees; (e) to provide for the payment of the expenses of the administration of this act and the system and department created; (f) to provide for the adoption of reasonable rules and regulations; (g) to provide for the enforcement of the provisions of this act and the rules and regulations adopted pursuant thereto and to provide penalties for their violation; (h) to authorize the discharge and suspension of employees; and (i) to repeal all laws and parts of laws and all ordinances and parts of ordinances in conflict with its provisions.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 790, said Senate amendment being as follows:

On page 12, line 30, delete the word "a" and insert in lieu thereof: at

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clay, Cullins, Curry, Dolbare, Drake, Flowers, Freeman, Gaston, Gullatt, Hall, Hammett, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McKee, Melton, Mikell, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Petelos, Powell, Rockhold, Rogers (F), Rogers (J), Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Williams, Willis and Zoghby.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 225, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To authorize the Alabama Commission on Higher Education to develop a tuition loan program for talented and/or qualified residents to attend a postsecondary institution for the sole purpose and intent of becoming a certified teacher employed in critical need areas of the state; to provide that a list of critical needs be prioritized annually by the State Board of Education and submitted to the Legislature for approval.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature declares that there exists within the State of Alabama a need for a tuition loan program whereby talented and/or qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the state in areas of critical need.

Section 2. The Alabama Commission on Higher Education is authorized to develop a tuition loan program whereby talented and/or qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the state in areas of critical need. The Alabama Commission on Higher Education shall develop qualifications and standards that applicants must meet in order to apply for a tuition loan under said program.

Section 3. The areas of critical need shall be defined and prioritized annually by the State Board of Education. The State Board of Education shall annually, on or before the second day of each Regular Session, submit its list of areas of critical need to the Legislature for approval.

Section 4. The recipient of a loan shall be entitled to have 100 percent of the amount of the loan plus the interest thereon cancelled if he or she becomes certified and teaches in an area of critical need for a period of five years.

Section 5. In case of failure to make a scheduled repayment of any installment, failure to apply for cancellation or deferment of the loan on time, or noncompliance by a borrower with the intent of the loan, the entire unpaid indebtedness, including interest due and accrued shall, at the option of the commission, be immediately due and payable.

Section 6. The recipient of the loan shall execute the necessary legal documents to reflect his or her obligation and the terms and conditions of the loan.

Section 7. The commission shall submit the plans for the development of the loan program and the proposed qualifications and standards necessary for application for such loans to the Legislature no later than the first day of the 1993 Regular Legislative Session. Upon approval of the plan, the Legislature may appropriate funds for the implementation of the loan program.

Section 8. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 or Senate Bill 541 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 225, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hammett, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of

the two houses concerning House Bill 227, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To create the Commission on the Governance of Higher Education; and to provide an appropriation for the implementation of the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is created the Commission on the Governance of Higher Education which shall be composed of nine members as follows: three members appointed by the Governor, three members appointed by the Lieutenant Governor, and three members appointed by the Speaker of the House of Representatives. One of the appointments by the Governor, one of the appointments by the Lieutenant Governor, and one of the appointments by the Speaker of the House of Representatives shall be black. No appointee or member shall be a member of the faculty, administration, board of trustees, staff, or otherwise in the employ of any two or four year college or institution. The members of the Commission shall serve without compensation.

Section 2. The Commission shall evaluate the governance of public higher education, including two-year institutions and four-year institutions, and present a proposal to the Legislature for possible modification of the governing systems of public higher education. The Commission shall recognize the role, scope and mission of the traditionally black institutions of higher education.

Section 3. The Commission shall conduct public hearings throughout the State of Alabama to receive public input regarding the governance of higher education. The number of hearings and dates of hearings shall be within the discretion of the Commission, but the hearings shall be concluded no later than December, 1993.

Section 4. The Commission shall issue a preliminary report to the Legislature and to the public no later than November 15, 1994. After the preliminary report is issued, the Commission shall receive additional public commentary for a period of ninety days, ending February 15, 1995.

Section 5. The Commission shall present its final report with respect to its recommended implementation plan no later than March 15, 1995.

Section 6. The Commission is authorized and directed to report to the Legislature with respect to the following:

(a) An analysis and evaluation of the current governance of public higher education. This shall include an analysis and evaluation of the cost justification and cost efficiency of the current decision-making process and recommendations for any modifications to that process.

(b) An implementation plan for recommended modifications of the governance of public higher education, which may include recommendations for the closing of certain campuses or programs.

(c) An analysis and recommendations for a process for the reporting and the approval of any additional campus, building or expansion of facilities by a public institution of higher education.

Section 7. The Commission is authorized to contract for consultant, advisory, or other professional services it deems necessary to fulfill the duties of the Commission. The Commission shall utilize the staff expertise and the information available from the Alabama Commission on Higher Education.

Section 8. The Commission, its consultants, advisors, and other employees shall cease existence upon presentation of the proposal to the Legislature or, regardless of whether a proposal is presented to the Legislature, on May 1, 1995.

Section 9. There is hereby appropriated the sum of \$200,000.00 from the Alabama Special Educational Trust Fund to carry out the provisions of this act.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this act are hereby repealed.

Section 12. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 or Senate Bill 541 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 227, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 87; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Grayson, Laird and McKee.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 412. COMMENDING ROBERT HORRY FOR HIS BASKETBALL HONORS AND ACHIEVEMENTS AT THE UNIVERSITY OF ALABAMA.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 233, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To establish the Alabama Commission to Study the Tax Burden on Alabama Citizens with Low Income; to require the Legislative Fiscal Office and Alabama Department of Revenue to conduct a Tax Burden Study and to assist the Commission created herein; to provide for the powers and duties of said Commission; to provide for the severability of the provisions hereof; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Legislative findings. The Legislature acknowledges the severe burden that taxes can place on low-income citizens of the state and recognizes that, although all citizens should pay something towards the support of state services, citizens with low incomes should not pay more than their fair share.

Section 2. (a) There is hereby created a special commission to be known as the "Alabama Commission to Study the Tax Burden on Alabama Citizens with Low Income" (hereinafter called the "Commission"), to have the powers and duties set forth below. This Commission shall consist of 17 members to be selected as follows:

1. Four members shall be appointed by the Governor.

2. Three members shall be appointed by the Speaker of the House of Representatives.

3. Three members shall be appointed by the Lieutenant Governor.
4. One member shall be appointed by the Alabama Arise, which person shall be a member of that organization.
5. One member shall be appointed by the League of Women Voters, which person shall be a member of that organization.
6. One member shall be appointed by the Public Affairs Research Council of Alabama.
7. One member shall be appointed by the University of Alabama Board of Trustees, which person shall be a member of the faculty of that university.
8. One member shall be appointed by the Auburn University Board of Trustees, which person shall be a member of the faculty of that university.
9. One member shall be appointed by the Alabama State University Board of Trustees, which person shall be a member of the faculty of that university.
10. One member shall be appointed by the Alabama A & M University Board of Trustees, which person shall be a member of the faculty of that university.

The Governor, the Speaker of the House, and the Lieutenant Governor shall insure that at least one of their respective appointments shall be black and selected from a list of citizens of this state recommended by the Alabama Legislative Black Caucus.

(b) The aforementioned appointments shall be made by the individual or entity entitled to make such appointment, by designating such appointee to the Commissioner of the State Department of Revenue (hereinafter called the "Commissioner of Revenue") on or before December 1, 1992. A copy of all appointments shall be filed with the Secretary of the Senate and the Clerk of the House of Representatives. If an individual or entity entitled to make one or more appointments fails to do so within the time prescribed, that individual or entity shall forfeit the right to appoint such member(s) and thereafter the Commission shall continue in existence but with fewer members. Each appointee shall file written notice of his acceptance with the Commissioner of Revenue, with a copy to the Clerk of the House of Representatives. If a member of the Commission dies, resigns or otherwise is unable to serve at any time, the individual or entity that originally appointed such member shall be entitled to appoint a successor, which appointment shall be made by a writing designating such successor appointee to the Secretary of the Senate and the Chairman of the Commission, with a copy to the Clerk of the House of Representatives. Such appointment shall be effective upon receipt by the Chairman of the Commission of the written acceptance of the successor appointee. A copy of the written acceptance of the substitute member

shall be filed by such member with the Secretary of the Senate and the Clerk of the House of Representatives. A member of the Commission shall not be subject to removal, except for good and sufficient cause.

(c) The Commission shall hold its initial organizational meeting on such date and at such place, after one month following the date of enactment of this Act and on or before December 15, 1992, as shall be designated by the Commissioner of Revenue through written notice to each member of the Commission who has then been designated.

(d) The Commission shall be empowered to select a chairman, vice chairman, and such other officers as it shall deem appropriate from time to time from its membership and shall appoint a secretary who may but need not be a member of the Commission. The Commission shall adopt such rules, regulations and procedures for the conduct of its hearings, its committee meetings and other business of the Commission, as the Commission shall best determine. In adopting reports, making recommendations, determining the holding of public hearings, authorizing the use or disbursement of funds, and in all other matters requiring Commission approval, the Commission shall act by a majority vote of its members present at a meeting thereof at which a quorum is present or by the written consent of a majority of its members. For the purposes of this section, a quorum shall consist of a majority of the members of the Commission then serving.

(e) Members of the Commission shall serve without compensation.

(f) The Secretary of the Senate and the Clerk of the House of Representatives shall cause all appointments to the Commission and acceptances of such appointments to be published within the Journals of their respective Houses.

Section 3. (a) The Commission is herein empowered and directed to study and evaluate the following policies and programs of the state of Alabama:

(1) the tax structure as it relates to Alabamians with low-incomes;

(2) state expenditures and spending program especially as related to Alabama families and individuals with low-incomes; and

(3) education and job training programs in Alabama especially as such programs are related to citizens with low-incomes.

(b) The Commission is further directed to evaluate the need, if any, for the creation and sunset of various programs in state government and the potential costs or savings to the state for those proposals. The total cost or savings to state government from proposed recommendations must be quantified by the Commission with the full cooperation of the Departments of Revenue and Finance

at least one month prior to the Commission's final report being made public.

(c) The Commission as it deems necessary shall review previous tax burden studies with respect to the State of Alabama, and shall conduct such research as it deems necessary to compare and evaluate Alabama's relative living conditions of its citizens with low-income with those of other states. The Commission shall make such recommendations as it deems appropriate for a tax, spending and organizational policy structure for the State of Alabama that shall be fair and equitable to Alabamians with low-incomes in relation to the tax burdens and benefits of those citizens with moderate to upper income levels. The Commission shall produce a study of a proposed indexing plan for state taxes to recommend to the Governor and the Legislature. The Commission shall produce written comparisons, analyses and recommendations. Such comparisons, analyses and recommendations shall be officially delivered by the chairman of said Commission to the Governor, the Speaker of the House of Representatives, the Lieutenant Governor, and each member of the House of Representatives and Senate, as well as made public by dissemination to the news media, at a joint session of the Legislature during the regular business session of the 1993 Legislature. Prior to the official report being made public in the aforementioned manner, no preliminary or partial reports shall be released by the Commission.

Section 4. (a) The Commission may create and appoint such special committees as it may deem necessary or appropriate to perform the duties required to be performed by it under the provisions of this Act. The chairman of each such special committee created and appointed by the Commission shall be selected by the Commission. Each such special committee shall be composed of members of the Commission and shall be subject to the jurisdiction and control of, and shall report directly to, the Commission.

(b) Both the Commission and any special committee created and appointed hereunder shall be authorized to conduct public hearings at such times and at such places as the Commission or such committee shall determine to be necessary or appropriate. Transcripts of such hearings shall be maintained and copies available to the public upon payment of such reasonable fees as the Commission may prescribe. Public hearings of the Commission shall be attended by not less than five of the members of the Commission. Public hearings of any special committee shall be attended by not less than two of the members of the Committee.

Section 5. (a) The legislative, executive, and judicial branches of government, and all agencies and departments thereof, shall provide the Commission, without charge, with such reasonable technical assistance, information, services, facilities, personnel and such other support as the Commission shall request.

(b) The Commission may direct the Legislative Fiscal Office and Department of Revenue to coordinate a study of the tax burden imposed on citizens with

different income levels by the tax structure of the state of Alabama.

Section 6. Notwithstanding any of the laws of the State of Alabama to the contrary, the Department of Revenue is hereby authorized to furnish to the Commission such information and data as to enable the Commission to perform its tasks hereunder; provided, however, that the Department of Revenue shall not disclose any information with respect to any specific taxpayer.

Section 7. The Commission shall continue in existence until the last day of the 1993 regular session of the Alabama Legislature to offer such advice and services as may be appropriate for implementation of the legislation recommended by the Commission.

Section 8. If the Commission determines that the tax burden borne by Alabama citizens with low-incomes is disproportionate to that borne by citizens with higher levels of income, the Commission shall recommend to the Legislature ways and means to correct any such disparities. The Legislative Fiscal Office and Department of Revenue are hereby directed to assist the Commission in developing said recommendations.

Section 9. The Commission is hereby authorized to conduct studies and seek information from other states in order to carry out the requirements of this Act.

Section 10. All laws or parts of laws in direct conflict with this Act are hereby repealed.

Section 11. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section, or part of this Act so adjudged to be invalid or unconstitutional.

Section 12. This Act shall be effective upon the proclamation that the amendment to the Constitution of Alabama, 1901, as proposed by House Bill 252 or Senate Bill 541 of the 1992 Regular Session has been ratified by the people of Alabama.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 233, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 249, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL TO BE ENTITLED AN ACT

To provide for the Franchise Tax Reform Act of 1992; to amend Sections 40-14-40, 40-14-41, 40-14-49, 40-14-52, 40-14-53, 40-14-56, and 10-2A-260 and 10-2A-261 of the Code of Alabama 1975; to repeal Sections 40-14-1 through 40-14-3, inclusive, 40-14-20 to 40-14-23, inclusive, 40-14-41.1, 40-14-42 to 40-14-48, inclusive, 40-14-50, 40-14-51, 40-14-54, 40-14-55, and 40-14-70 to 40-14-74, inclusive, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

REGULAR SESSION
28th Day

3215

Section 1. This act shall be known and may be cited as the "Franchise Tax Reform Act of 1992."

Section 2. It is the intent of the Legislature to provide equitable and uniform taxation of foreign corporations and foreign limited partnerships by levying the franchise tax imposed for the privilege of doing business in this state on all corporations and limited partnerships based upon the amount of net worth employed in this state, after a transition period.

Section 3. Section 40-14-40 is amended to provide as follows:

~~"§40-14-40. Amount of levy on domestic corporations. Every corporation organized under the laws of this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax based on its capital stock as follows:~~

~~For the tax year _____ Rate of each \$1,000.00
beginning _____ of capital stock
January 1, 1984 _____ \$10.00~~

~~And all tax years thereafter _____ \$10.00
provided that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$50.00.~~

"Section 40-14-40. Imposition of franchise tax.

(a) There is hereby imposed an annual franchise tax on every corporation and limited partnership organized or doing business in Alabama. The tax is a privilege or license tax levied for the privilege of doing business in this state in a form providing limited liability.

(1) For all taxable years of corporations and limited partnerships beginning after December 31, 1996, the rate of tax shall be \$.45 per \$1000 of net worth employed in Alabama.

(2) For all taxable years of corporations and limited partnerships beginning during 1994, 1995, and 1996, the rate of tax with respect to each \$1000 of net worth employed in Alabama shall be as set forth in the following table:

<u>Taxable years beginning in:</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>
<u>Domestic corporations and limited partnerships</u>	<u>\$.20</u>	<u>\$.30</u>	<u>\$.40</u>
<u>Foreign corporations and limited partnerships</u>	<u>\$3.00</u>	<u>\$2.75</u>	<u>\$1.75</u>

(b)(1) For purposes of tax years beginning in 1994 only, a foreign corporation or foreign limited partnership shall include in its net worth employed in Alabama two-thirds of the taxable debt of the corporation or partnership.

(2) For purposes of tax years beginning in 1995 only, a foreign corporation or foreign limited partnership shall include in its net worth employed in Alabama one-third of the taxable debt of the corporation or partnership.

(c) A corporation which is exempt from federal income tax under 26 U.S.C. § 501(a) shall be subject to the tax imposed by this section only to the extent its activities in Alabama constitute an "unrelated trade or business" as defined in 26 U.S.C. § 513.

(d) Notwithstanding the foregoing, in no event shall the annual franchise tax levied be less than \$100, except for taxpayers who are subject to the tax for less than six months during the taxable year of their organization or qualification."

Section 4. Section 40-14-41, Code of Alabama 1975, is hereby amended to read as follows:

"Section 40-14-41. Levy on foreign corporations.

Definitions; determination of net worth and taxable debt employed in Alabama.

(a) Amount of levy. Every corporation organized under the laws of any other state, nation or territory and doing business in this state, except strictly benevolent, educational or religious corporations, shall pay annually to the state an annual franchise tax of \$3.00 on each \$1000.00 of the actual amount of its capital employed in this state. Corporations which have qualified to do business in this state shall for the purpose of this title prima facie be held to be doing business in Alabama; provided, that in no event shall the amount paid by any corporation for annual franchise tax be less than the sum of \$25.00

(a) Definitions--general. For purposes of this act, the following terms mean:

(1) Corporation. All corporations (whether or not organized for profit), professional corporations, joint stock companies, unincorporated professional associations, and all associations having any of the powers or privileges of corporations not possessed by individuals or partnerships. The term shall not include counties, municipal corporations, political subdivisions of the state, public corporations, instrumentalities of counties or municipalities, or the state of Alabama, or corporations or associations owned solely by counties, municipalities, or the state of Alabama.

(2) Limited partnership. All organizations established pursuant to chapter 9A of Title 10, Code of Alabama 1975, or provisions of the laws of other states that are based on the Uniform Limited Partnership Act or Revised Uniform Limited

Partnership Act, limited liability companies, business trusts, or other business organizations or entities through which net worth may be employed in the conduct of business while offering limited liability to the owners or contributors of such capital with respect to the obligations of the organization or entity.

(3) Domestic corporation. A corporation created or organized under the laws of the state of Alabama or under the laws of the United States having its principal place of business in Alabama.

(4) Domestic limited partnership. A limited partnership created or organized under the laws of the State of Alabama.

(5) Foreign corporation. Any corporation that is not a domestic corporation.

(6) Foreign limited partnership. Any limited partnership that is not a domestic limited partnership.

(b) Definition of capital net worth--corporations. - ~~The total capital of such foreign corporation shall be deemed to be~~ The net worth of a corporation shall be an amount equal to the sum of the following:

(1) The outstanding capital stock, but in no event including the corporation's cost of its treasury stock;

(2) Surplus and undivided profits, which shall include any amounts designated for the payment of dividends until such amounts are definitely and irrevocably placed to the credit of stockholders subject to withdrawal on demand.

(c) Definition of net worth--limited partnerships. The net worth of a limited partnership shall be an amount equal to the sum of the partners capital accounts.

(d) Definition of taxable debt. The taxable debt of a foreign corporation or a foreign limited partnership shall be an amount equal to the sum of the following:

~~(3)(1)~~ The amount of bonds, notes, debentures or other evidences of indebtedness maturing and payable more than one year after the first day of the franchise tax taxable year;

~~(4)(2)~~ The amount of the bonds, notes, debentures or other evidences of indebtedness maturing and payable at the any time to (i) any individual stockholder or partner owning directly or indirectly 10 percent or more of the capital stock of such foreign the corporation or 10 percent or more of the capital interest in the limited partnership or (ii) another corporation or limited partnership owning more than 50 percent of the capital stock of such the corporation or more than 50 percent of the capital interest in the limited partnership, or (iii) another corporation or limited partnership more than 50 percent of the capital stock or capital interest in of which is owned by such foreign the corporation or limited partnership, and which other corporation or limited partnership referred to in (ii) or (iii) is not also

required to pay a franchise tax to the state of Alabama;

~~(5) The amount reasonably required to adjust the depreciable property accounts for any rapid, excessive or unreasonable depreciation charges or amortization, so as to restore the depreciable property accounts, for franchise tax purposes, to original cost less depreciation computed on the basis of the useful life of such property to the corporation.~~

(e) Definition of net worth--not-for-profit corporations. With respect to not-for-profit corporations exempt from tax under 26 U.S.C. § 501(a), net worth means the amount of contributed capital and retained earnings. If a not-for-profit corporation engages in activities that constitute an unrelated trade or business and inactivities that do not constitute an unrelated trade or business, the amount of net worth employed in Alabama for purposes of the tax imposed by this act shall be the amount determined under the first sentence of this paragraph multiplied by the ratio of the fair market value of the property used in the unrelated trade or business to the total fair market value of all the corporation's property. The amount of taxable debt employed in Alabama shall be determined by a similar apportionment.

(f) Determination of amount of net worth and taxable debt employed in Alabama. A taxpayer's amount of net worth and taxable debt employed in Alabama shall be determined by apportioning the taxpayer's net worth, as defined in subsections (b) and (c), or taxable debt, as defined in subsection (d), to Alabama in accordance with the method used to apportion the net income of corporations to Alabama for income tax purposes.

~~(e)(g) Determination of capital employed in state net worth and taxable debt.-- The actual amount of such total capital as herein defined which is employed in this state A taxpayer's net worth and taxable debt shall be determined in accordance with generally accepted accounting principles appropriate in the particular case, and such determination shall establish a rebuttable presumption as to the actual amount of capital employed by the corporation in this state; Notwithstanding the previous sentence, a taxpayer may compute its net worth and taxable debt using accounting principles and rules which are not in conformity with generally accepted accounting principles if these accounting principles and rules are consistently applied in the computation of the taxpayer's net worth, fairly reflect the financial condition of the taxpayer and the components of the taxpayer's net worth and taxable debt, are not employed for the purpose of avoiding the franchise tax imposed by this act, and satisfy other reasonable requirements of the department of revenue, provided, that Notwithstanding any other provision of this section, in the case of organizations whose accounts and records are kept according to rules prescribed by a regulatory agency or instrumentality of the United States or by the Alabama public service commission, or by a state insurance department, the actual amount of capital employed in this state as so determined net worth and taxable debt employed in Alabama, after apportionment in accordance with subsection (f), shall in no event exceed the value of the sum of~~

its tangible property located in this state and its intangible property employed in the conduct of its business in this state.

~~(d) Exclusions and deductions.~~

~~(4)(h)~~ There shall be excluded from the amount of ~~capital~~ net worth as determined in subsection (b) and (c) of this section:

(1) The investment by the taxpayer in the capital of other corporations or limited partnerships organized under the laws of Alabama, or under the laws of the United States having their principal place of business in Alabama.

(2) ~~or~~ The investment by the taxpayer in the capital of other corporations and limited partnerships organized under the laws of any other state if such other corporations or limited partnerships are required to qualify and pay a franchise tax to the state of Alabama, or organized under the laws of the United States if such other corporations pay a franchise tax to the state of Alabama.

(3) The investment by the taxpayer in the capital of other corporations and limited partnerships organized under the laws of any other state or of the United States if the taxpayer owns more than 50 percent of each class of capital stock in the corporation or more than 50 percent of the capital interests in the limited partnership and the other corporation or limited partnership is not required to qualify to do business in Alabama, unless If the taxpayer is a dealer in stocks or securities, the exclusion allowed by this subsection shall apply only to stocks and limited partnership interests that the taxpayer holds as investments and not for trading purposes or for sale to customers. and

~~(2) There shall be deducted from the amount of capital employed in this state as determined in accordance with subsections (b) and (c) of this section, the following amounts:~~

~~a. The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law;~~

b-(i) For taxable years beginning in 1994, 1995, and 1996, a taxpayer shall be allowed to deduct, first from the amount of net worth employed in Alabama, as defined in subsections (b), (c), and (f), and then the remainder from the amount of taxable debt employed in Alabama, as defined in subsection (d) and (f), the amount determined by multiplying the excludable fractions in the table set out in subdivision (3) times:

(1) The amount invested by the taxpayer in bonds or other securities issued by the United States or the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, or any public corporation organized

under the laws of the state of Alabama, unless such corporation is a dealer in securities; If the taxpayer is a dealer in bonds and other securities, the exclusion allowed by this subsection shall apply only to bonds and other securities that the taxpayer holds as investments and not for trading purposes or for sale to customers.

(2) The amount invested by the taxpayer in all devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution;

(3) Excludable fractions.

<u>Taxable years</u> <u>beginning in:</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>
<u>Excludable</u> <u>fraction</u>	<u>3/4</u>	<u>1/2</u>	<u>1/4</u>

~~d. The amount invested by the taxpayer in all real and tangible personal property, equipment, facilities, structures and components thereof and materials used in the manufacturing, assembling or constructing of products or equipment of any kind that are acquired or constructed by the taxpayer and placed in service in a qualifying county of the state (as hereinafter defined) within a period commencing with the date of issuance of a qualification certificate as provided for herein and ending five years thereafter (such real and personal property, equipment, facilities, structures and components thereof and materials being herein called "qualifying property"). Before any such amount invested by a taxpayer may be deducted from the amount of its capital employed in this state as determined in accordance with subsections (b) and (c) of this section, a qualification certificate must be issued to the taxpayer prior to the due date of the report required by section 40-14-44 for the year in which investment in qualifying property is first made, a copy of which such qualification certificate shall be filed with the taxpayer's report made pursuant to section 40-14-44 for such year and for each year thereafter. Such qualification certificate shall state that a committee composed of the governor of the state, the state finance director and the revenue commissioner of the state has, prior to or on the date of such qualification certificate, met and determined, as of such date, 1. that the county in which qualifying property owned or to be owned by the taxpayer is or is to be located was a qualifying county as herein defined, 2. that the Alabama development office (or such similar organization of the state which shall succeed to its duties) has certified to the governor that the economic benefits of investment by the taxpayer in qualifying property located or to be located in the qualifying county will be of a type advantageous to the well being of the citizens of the state and of significant benefit to the qualifying county in terms of reducing the rate of unemployment therein, and 3. that the taxpayer has entered into an agreement or agreements with the state of the type hereinbelow described. A "qualifying county" for~~

~~purposes of this subparagraph d. shall be any county of the state (i) which, as of the calendar month next preceding the date of any qualification certificate issued hereunder, has an unemployment rate higher than that of the United States for the same month, in both cases as published in the official statistics compile and reported by the Bureau of Labor Statistics of the United States Department of Labor, and (ii) the governing body of which shall have, prior to the date of any qualification certificate issued hereunder, presented to the governor's certified copy of a resolution adopted by the governing body of the county approving of and urging the issuance of qualification certificates of the committee herein provided for with respect to investments in qualifying property made by taxpayers in the county. The issuance by the committee of any qualification certificate hereunder shall be conditioned upon the taxpayer having prior thereto or contemporaneously therewith entered into such agreement or agreements with the state as the committee herein provided for shall have determined to be appropriate, which such agreements may be signed in the name of said committee for and on behalf of the state by the governor, pursuant to which the taxpayer shall have agreed to invest, within such period as said committee shall specify, such amounts in qualifying property located in a qualifying county as said committee shall specify. The right of any taxpayer to deduct, pursuant to the lawful issuance of a qualification certificate as provided for herein, amounts invested in qualifying property shall not be subject to revocation and shall continue to be effective so long as and to the extent the taxpayer shall have amounts invested in qualifying property, unless the taxpayer shall fail to comply with the terms of the agreement or agreements with the state hereinabove provided for, in which case the right of the taxpayer to deduct amounts reflecting investments in qualifying property shall cease and determine. The committee provided for herein shall be empowered to issue qualification certificates as provided for herein only during the period commencing with April 30, 1985, and ending on the date five years thereafter."~~

Section 5. A new section is enacted to read as follows:

Franchise tax returns; payment of franchise tax.

(a) Taxable year. The franchise tax imposed by this act shall be determined as of the first day of the fiscal or calendar year the taxpayer uses for purposes of the income tax imposed by this title.

(b) Filing of franchise tax return. Every taxpayer subject to the franchise tax imposed by this act shall make a return or statement reporting its calculation of the tax according to the forms and regulations prescribed by the department of revenue, which report or statement shall be filed no later than the 15th day of the third calendar month of its taxable year. Every taxpayer required to make a return or statement shall include all information required by such forms or by regulations. In addition, for the purpose of registration for the collection of the tax and other purposes, every corporation shall provide in such form as the department requires, as a public record, the address of the registered office of the corporation in this state, the name of its registered agent in this state at such address, and, in the

case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is organized. Every corporation shall provide a brief statement of the character of the business in which it is actually engaged in this state, along with the names and addresses of the president and secretary of the corporation.

(c) Time and place for paying franchise tax. Except as otherwise provided, every taxpayer required to make a return or statement with respect to the franchise tax imposed by this act shall, without assessment or notice and demand from the department of revenue, pay such tax to the department of revenue, and shall pay such tax at the time and place fixed for the filing of the return (determined without regard to any extension of time for the filing of the return or statement).

(d) Half-year tax during initial taxable year. If any taxpayer is organized within six months of the end of the taxable year with respect to which the franchise tax is imposed, or if any foreign corporation or foreign limited partnership qualifies to do business in this state within six months of the end of the taxable year with respect to which the franchise tax is imposed, the amount of the franchise tax imposed by this chapter shall be, for the remainder of such taxable year in which said taxpayer is organized or qualified to do business, one half of the year's tax, but in no event less than \$50.

(e) Change in taxable years--calendar year taxpayers. With respect to any taxpayer doing business in Alabama as of December 31, 1993, whose taxable year ends on that date, the franchise tax return shall be due on March 15, 1994, based on the taxpayer's net worth employed, and, if applicable, taxable debt in this state on December 31, 1993.

(f) Change in taxable years--fiscal year taxpayers. With respect to any taxpayer doing business in Alabama as of December 31, 1993, the taxable year of which is a period other than the calendar year, a separate franchise tax return shall be due on March 15, 1995, for the period beginning on January 1, 1994, and ending on the last day of its taxable year in which falls December 31, 1993, (the "short period"). The amount of the tax imposed by this act for the short period shall be determined in the manner specified in this act apportioned to the short period in same proportion as the number of days in the short period bears to 365.

Section 6. A new section is added to provide as follows:

Remittance of tax and distribution of proceeds.

(a) Remittance of the franchise tax imposed by this act shall be paid to the department of revenue at Montgomery, Alabama.

(b) The franchise tax so collected for taxable years beginning in 1997 and later years, shall be divided into the following portions: 4.356 percent to the state

general fund portion, 27.708 percent to the counties franchise tax portion, 22.645 percent to the counties FIET portion, and 45.291 percent to the municipalities FIET portion. The franchise tax so collected for taxable years beginning in 1994, 1995, and 1996 shall be divided into the following portions in each of the years shown:

Taxable years beginning in:	1994	1995	1996
State general fund	67.669%	62.976%	46.617%
Counties franchise tax portion	9.366	10.726	15.465
Counties FIET portion	7.655	8.766	12.639
Municipalities FIET portion	15.310	17.532	25.279

(c) The counties portion of the franchise tax shall be apportioned by the department of revenue to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of the several counties, and the comptroller shall draw his warrant payable to the county treasurer of each county in such proportion upon certificate of the department of revenue.

(d) With respect to the municipalities and counties FIET portion, the department of revenue shall determine, based on the distributions of the financial institution excise tax (as provided by sections 40-16-1 through 40-16-8, Code of Alabama 1975) the following:

(1) the percentage obtained by dividing the average amount of financial institution excise tax received by each municipality for tax years ending December 31, 1990, 1991 and 1992 by the average amount of financial institution excise tax received by all such municipalities for those same tax years; and

(2) the percentage obtained by dividing the average amount of financial institution excise tax received by each county for tax years ending December 31, 1990, 1991 and 1992 by the average amount of financial institution excise tax received by all such counties for those same tax years.

(e) The counties FIET portion shall be distributed among the counties according to the percentages determined for the counties under subsection (d). On certificate of the department of revenue, the comptroller shall draw his warrant on the state treasurer payable to the county treasurer of each county in the amounts so determined.

(f) The municipalities FIET portion shall be distributed among the municipalities according to the percentages determined for the municipalities under subsection (d). On certificate of the department of revenue, the comptroller shall draw his warrant on the state treasurer payable to the treasurer of each municipality in the amounts so determined.

(g) The state general fund portion shall be deposited in the general fund of the state of Alabama.

Section 7. Section 40-14-49, Code of Alabama 1975, is redesignated as section 40-14-43 and amended to read as follows:

"Section 40-14-4943. Dissolution of corporations; winding-up of limited partnerships.

Whenever a corporation or a limited partnership organized under the laws of this state shall be dissolved, terminated, liquidated, or otherwise wound-up, in this state by an agreement of the stockholders or partners filed in the office of the probate judge of the county wherein the corporation or limited partnership was organized, said probate judge shall at once give notice to the department of revenue and secretary of state of such dissolution event, with name of the corporation taxpayer, the amount of its capital stock, and the date of dissolution, termination, liquidation, or other winding-up; and whenever a dissolution of a corporation or limited partnership organized under the laws of this state shall take place by judgment of a court, upon the filing of a complaint under the laws of this state by the creditors, or stockholders, partners, or others, the clerk of said court shall at once notify the department of revenue and secretary of state of such dissolution, termination, liquidation, or other winding-up. In any cases where petitions are filed in any court by the creditors, or stockholders, partners, or others for the dissolution, termination, liquidation, or other winding-up of a taxpayer corporation in case of insolvency thereof, the clerk of said court shall give notice of said civil action and the pendency thereof to the department of revenue in order that the department of revenue may file a petition in the case in the court for the purpose of collecting any unpaid franchise tax owing by said corporation. The failure of any probate judge or clerk of a court to make the report required by this section within 30 days from the date of dissolution or filing of such suit shall subject such probate judge or clerk to a penalty of \$1.00 a day for each day's failure to make said report after the expiration of 30 days from said dissolution or filing of such suits.

Section 8. Section 40-14-52 is redesignated section 40-14-44 and amended to read as follows:

"Section 40-14-5244. Does not affect privilege license tax.

"The payment of the franchise tax required imposed by this title chapter shall not exempt any corporation taxpayer paying same from the payment of any

regular license or privilege tax required by law for the engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations."

Section 9. Section 40-14-53, Code of Alabama 1975, is hereby redesignated as section 40-14-45 and amended to read as follows:

"Section 40-14-5345. Report on organization and qualification.

"(a) Domestic corporations and limited partnerships.

Each domestic corporation and domestic limited partnership immediately on its organization shall make and file with the department of revenue the statement required by this ~~title~~ chapter. Every probate judge of the state shall be supplied by the department of revenue with blanks for making such reports, to be used by the newly organized corporation or limited partnership in making the required report. ~~A failure to make the required report and file the same with the department of revenue within 10 days after the date of organization shall subject the corporation to a penalty of \$10.00 a day for each day's failure, unless the time for filing the report has been extended by the department of revenue, which penalty shall be included and collected as part of the tax. Such domestic corporation shall pay the tax herein required within 30 days after organization. Failure to pay said tax with such time shall subject the corporation to a penalty of one percent per month for each month or any part thereof in which it is delinquent in the payment of said tax; provided, that the department of revenue may for good cause remit the penalties herein provided.~~

(b) Foreign corporations and limited partnerships.

Each foreign corporation and foreign limited partnership immediately after qualifying to do business in Alabama shall make and file with the department of revenue the statement required by this chapter. The secretary of state shall be supplied by the department of revenue with blanks for making such reports, to be used by the newly qualified corporation or limited partnership in making the required report."

Section 10. Section 40-14-56, Code of Alabama 1975, is hereby redesignated as section 40-14-46 and amended to read as follows:

"Section 40-14-5646. Receivership or trusteeship.

Whenever a ~~corporation, either domestic or foreign,~~ taxpayer is in receivership or trusteeship, the provisions of this chapter shall apply to receiver or trustee thereof, and such receiver or trustee shall be liable for franchise taxes to the same extent as the ~~corporation~~ taxpayer would be if there were no receivership or trusteeship. Such receiver or trustee shall make all reports herein required and shall be subject to all penalties as would be the ~~corporation~~ taxpayers."

Section 11. Section 10-2A-260, Code of Alabama 1975, is hereby amended to read as follows:

"(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall file, within the time prescribed by this chapter, an annual report setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state, and the name of its registered agent in this state at such address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the business in which the corporation is actually engaged in this state.

(4) The names and respective addresses of the president and secretary of the corporation.

(b) Such annual report shall be made on prescribed forms and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the corporation by its president, a vice-president, secretary, and assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(c) The public record information filed with the department of revenue, pursuant to ~~section 40-14-21 and 40-14-22~~ section 5 of this act, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama, in addition to any other fees required, accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281.

Section 12. Section 10-2A-261 of the Code of Alabama 1975, is hereby amended as follows:

"(a) Such annual report of a domestic and foreign corporation shall be delivered to the secretary of state between the first day of January and the fifteenth day of March of each year except that the first annual report of a ~~domestic or foreign~~ corporation shall be filed between the first day of January and the fifteenth day of March of the year, next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was

issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the fifteenth day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with the requirement. If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state within 30 days from date on which it was mailed to the corporation by the secretary of state.

(b) The public record information filed with the department of revenue, pursuant to ~~sections 40-14-21 and 40-14-22~~ section 5 of this act shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama, in addition to all other fees required, accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281."

Section 13. Repealer. Sections 40-14-1 through 40-14-3, inclusive (relating to the qualifications tax), 40-14-20 through 40-14-23, inclusive (relating to permits), 40-14-41.1, 40-14-42 through 40-14-48, inclusive, 40-14-50, 40-14-51, 40-14-54, and 40-15-55 (relating to the franchise tax), and 40-14-70 through 74, inclusive, (relating to the shares tax), Code of Alabama 1975, are hereby repealed.

Section 14. Effect of repeal of former acts. The repeal of a prior act by this act shall not affect any right accrued or established, or any liability or penalty incurred, under the provision of such act, before its repeal.

Section 15. Severability. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this Act, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Act, but the effect thereof shall be confined to the clause, sentence, paragraph, section, or part of this Act so adjudged to be invalid or unconstitutional.

Section 16. Effective date. (a) Except as provided in subsections (b) and (c), this act shall be effective for all taxable years or periods beginning after December 31, 1993, if the constitutional amendment proposed by House Bill 252 or Senate Bill 541 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

(b) So much of section 13 as relates to the repeal of sections 40-14-70 through 40-14-74, Code of Alabama 1975 (relating to the shares tax) shall be

effective only for taxable years beginning October 1, 1996, if the constitutional amendment proposed by House Bill 252 or Senate Bill 541 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law. Notwithstanding any provision to the contrary elsewhere provided by law, during the interim time prior to the repeal of sections 40-14-70 through 40-14-74, Code of Alabama 1975, financial institutions and the shares of financial institutions shall be exempt from the provisions of sections 40-14-70 through 40-14-74, Code of Alabama (1975).

(c) Subsections (a), (b), (c), (e), and (f) of section 5 of this act shall be effective upon its passage and approval by the Governor, or its otherwise becoming a law, for all taxable years or periods beginning after December 31, 1993.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 249, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 75; Nays 9.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Kennedy, Kvalheim, Laird, Layson, Lindsey, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Penry, Perdue, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Venable, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Carns, Hall, Haynes, Johnson, Mathis, McKee, Payne, Poole and White.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 281, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To repeal the statutory earmarking of certain state revenue sources.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. All state revenue pledged, committed, or earmarked for a specific fund, purpose, or function by state statute, resolution, rule or regulation is hereby unearmarked and the provisions earmarking such revenue are hereby repealed and rescinded to the extent necessary to effectuate the provisions of this act. Such revenue shall hereafter accrue to the general fund or funds of the state of Alabama to be available for appropriation by the Legislature for general governmental and educational purposes.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to any fees, excises, or license taxes levied on gasoline and motor fuels or any other taxes, fees, revenues, or appropriations currently pledged, committed or earmarked for the cost of construction, reconstruction, maintenance and repair of public highways and bridges, costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws; nor shall the foregoing unearmarking provisions apply to any revenue source designated for the department of revenue to cover its costs of collection and administration of the state taxation system provided such revenue sources are specifically appropriated to the department by the Legislature under the Budget Management Act.

Provided further, the foregoing provisions providing for unearmarking shall not apply to license fees levied on members of professional occupations and earmarked for the regulation of that occupation by a regulatory board specifically established for that purpose. However, except as otherwise provided in this amendment, state revenue pledged or earmarked for the benefit of agencies that perform quasi-regulatory functions or state regulatory agencies with broad and general regulatory authority is hereby unearmarked and shall accrue to the general fund or funds of the state of Alabama.

Provided further, any revenue pledged for the payment of debt service on bonds issued by the state of Alabama or public corporations or authorities created by the state of Alabama for the purpose of issuing such bonds shall remain inviolate and pledged for such purpose until such time as the outstanding bonds are retired. Nothing in this amendment shall be construed in such a way as to limit the authority of the Legislature to authorize the issuance of revenue bonds and pledge a source of revenue for the payment of debt service on such authorized bonds.

Provided further, that the unearmarking provisions of this amendment shall not apply to local revenue or the proceeds of state-imposed taxes that are currently allocated to local governments.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to revenue accruing to the State Banking Department, the Alabama Credit Union Administration, Alabama State Docks, the Securities Commission, the Public Service Commission, the inventory fund of the Alcoholic Beverage Control Board, the Department of Corrections Industry Fund, the Children's Trust Fund, the Alcohol and Drug Abuse Court Referral Trust Fund, the Indigent Offender Alcohol and Drug Treatment Trust Fund, any library or administrative fund of the Judicial Branch, the funds of the Domestic Violence Shelter Facilities, the funds of the Office of Prosecution Services, the funds of District Attorneys, the Crime Victims' Compensation Commission Fund, Alabama Manufactured Housing Commission Fund, revolving funds within the Department of Finance, the revolving funds within the Department of Insurance, the Unemployment Compensation Fund, State Parks Revolving Fund, the Alabama Forestry Commission Fund, the Underground Storage Tank Trust Fund within the Department of Environmental Management, the Military Department Billeting Revolving Fund, the Alabama Health Care Trust Fund, all funds of the division of risk management of the Department of Finance, the funds of the State Employees Insurance Board, the funds of the Public Education Employees Insurance Board, the Wallace-Folsom Prepaid College Affordable Tuition Program Fund, Shipping Point Inspection Fund, the Probationers' Upkeep Fund, the Veterans' Home Trust Fund, the General Liability Trust Fund administered within the Department of Finance, the funds of any and all public corporations or authorities created by the State of Alabama, the Supercomputer Revolving Fund, the revenue generated by the Industries for the Blind Program under the Alabama Institute for the Deaf and Blind or the revenue generated by donation tax refund voluntary check-offs listed on the Alabama state income tax return.

Provided further, the foregoing unearmarking provisions of this amendment shall not apply to revenue accruing to educational entities from gifts, grants, local sources, tuition, fees, auxiliary enterprises, and restricted funds.

Provided further, the foregoing unearmarking provisions shall not apply to the revenue currently earmarked to the Alabama Special Educational Trust Fund, with the exception of the percentage of funds allocated to the State General Fund or the local governments generated by House Bill 245 as passed in the 1992 Regular Session.

Provided further, the foregoing unearmarking provisions shall not include any reimbursement tendered to a state agency in payment for the cost of a service provided by such agency.

Section 2. Revenues currently earmarked to the state agencies or funds listed in this section shall be unearmarked provided, however, that these agencies shall receive not less than the dollar amount of state funding from sources previously earmarked specifically for these agencies than they receive in the 1992 fiscal year during the fiscal year 1993. Agencies or funds subject to the provisions of this section are the Department of Human Resources, the Department of Mental Health and Mental Retardation, Department of Public Health, Certificate of Need fees, and Secretary of State UCC & Corporate Fund.

Section 3. Nothing in this amendment shall be construed to restrict the obligations of the Governor or of the Department of Finance of the state of Alabama as set forth in section 90 of chapter 4 of title 41 of the Code of Alabama 1975.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective October 1, 1993 only if House Bill 252 or Senate Bill 541 as proposed in the 1992 Regular Session is ratified by the people as required by law.

MOTION TO CONCUR

Representative Harper offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 281, said report being set out in the foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TO NON-CONCUR ADOPTED

The substitute motion offered by Representative Rich that the House non-concur in the Report of the Committee on Conference on the bill, H. 281, and request the Speaker appoint a new Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 281, was adopted.

Yeas 68; Nays 6.

Yea:

Representatives Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Ford, Freeman, Gaines, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Holladay, Hooper, Johnson, Kennedy, Knight, Laird, Layson, Mathis, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Payne, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Venable, Warren, Williams and Willis.

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Nay:

Representatives Gaston, Kvalheim, McKee, Parker (P), Poole and Walker.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker reappointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION CARRIED OVER**

On motion of Representative Spratt, the Budget Isolation Resolution and the bill, H. 563, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hawkins, the Budget Isolation Resolution and the bill, H. 362, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Petelos, the Budget Isolation Resolution and the bill, H. 355, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Petelos, the Budget Isolation Resolution and the bill, H. 504, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Petelos, the Budget Isolation Resolution and the bill, H. 678, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Perdue, the Budget Isolation Resolution and the bill, H. 358, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Morton, the Budget Isolation Resolution and the bill, H. 280, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 793, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Harvey, the Budget Isolation Resolution and the bill, H. 820, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hawkins, the bill, H. 867, as amended on the twenty-seventh legislative day, was temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Perdue, the Budget Isolation Resolution and the bill, H. 842, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Perdue, the Budget Isolation Resolution and the bill, H. 843, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 884, was adopted.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Ford, Freeman, Fuller, Gaston, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, Lindsey, Mathis, McClain, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Payne, Rockhold, Sanderford, Smith (C), Smith (R), Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 884. (With Substitute): To authorize the Cleburne County Commission

to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Cleburne County Commission to adopt, amend, and provide for the enforcement of certain building codes which shall apply in certain areas in the county; to prescribe the manner of adopting such codes; to authorize the county commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only in Cleburne County, Alabama.

Section 2. When used in this act, the word "code," unless the context clearly indicates a different meaning, means a building code that is not less restrictive than the Southern Building Code, as of the effective date of this act (and its companion codes on plumbing and gas, all as produced by the Southern Building Code Congress, and the National Electrical Code of the National Fire Protection Association).

Section 3. The Cleburne County Commission may by reference, adopt, amend, and provide for the enforcement of a code. When adopted as herein authorized, a code shall apply to and govern in all unincorporated areas of the county and also in those parts of the county lying within the corporate limits of municipalities which have not adopted and are not enforcing municipal building codes when a request, in the form of a resolution, is sent to the county commission by the governing body of any municipality. The county commission may also repeal any code after having adopted it.

A code shall not be adopted by the county commission except after a public hearing on due notice thereof by publication in a newspaper published and of general circulation in the county. The notice shall be published at least 10 days before the hearing. The text of the code which is proposed to be adopted by

reference shall be made available for inspection at the county courthouse. Nothing herein shall be construed to require the setting out in full of the text of the proposed code in the notice of the hearing nor in the resolution or ordinance; but the proposed code or amendments thereof shall be properly identified as to date and source in the notice and in the ordinance or resolution adopting it and a copy thereof shall be attached to the ordinance or resolution. A copy thereof shall also be filed in the office of the clerk of the county commission and in at least one other county office where copies may be available for public use, inspection, and examination.

When the county commission has adopted a code by reference pursuant hereto, the officer administering the code may adopt administrative regulations which incorporate by reference subsequent changes and amendments of the code, properly identified as to date and source, as may be adopted by the agency or association which promulgated the code, if the officer finds that the changes and amendments conform to nationally recognized standards or accepted engineering practices.

Any administrative regulations which incorporate building code amendments by reference shall become effective upon the expiration of 60 calendar days following the promulgation of the regulations, unless within that period of time the county commission adopts a resolution or ordinance disapproving of such administrative regulations.

Section 4. The county commission shall have the authority for and responsibility of enforcing this act. The county commission having established an enforcement program for such code, no building or affected project except temporary construction buildings shall be commenced without first having a building permit issued by the county commission. Mobile or manufactured homes shall obtain a permit according to Section 9 of this act from the county commission. The county commission may prescribe and levy fees and charges to be paid for inspections and other administrative services, and for building permits which it may issue. Fees and charges collected pursuant to this act shall be paid into the county general fund.

Section 5. Any person violating this act or failing to comply with this act after 10 days written notice of an enforcement agency shall be guilty of a misdemeanor punishable as prescribed by state law.

Section 6. This act shall not be construed to impair or limit in any way the power of the county commission to enjoin or abate public nuisances within its jurisdiction.

Section 7. Nothing in this act shall be construed as abrogating or otherwise affecting the power of any state department or agency to promulgate regulations, make inspections, or approve plans in accordance with any other applicable provisions of law not in conflict with the provisions herein.

Section 8. This act shall be liberally construed as being additional authority for the Cleburne County Commission to adopt ordinances relating to the establishment and enforcement of minimum standards for buildings, dwellings, and the structures of all types and descriptions used for human habitation and occupancy, except temporary construction buildings. The authority conferred by this act is cumulative to and in addition to other existing legal authority.

Section 9. Mobile or manufactured homes manufactured according to regulations issued by the U.S. Department of Housing and Urban Development after June 1, 1976, are excluded from inspection except for exterior hook-ups and any permits and fees.

Section 10. Farm buildings used for noncommercial purposes may be excluded by the county commission from the provisions of the code.

Nothing in the minimum codes shall apply to any building or project authorized or licensed by the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, or the Alabama Public Service Commission. The county commission may modify the minimum codes for application within its area of jurisdiction by adopting provisions more stringent than the codes, and also may amend and revise the codes by adopting more recent amendments or additions of the named codes.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Crow, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Harvey, Hawkins, Hill, Holladay, Holley, Hooper, Knight, Kvalheim, Lindsey, Mathis, McClain, Melton, Mikell, Morrow, Morton, Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Venable and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 884. To authorize the Cleburne County Commission to adopt, amend, and provide for the enforcement of certain building codes which shall apply in certain areas in the county; to prescribe the manner of adopting such codes; to authorize the county commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 885, was adopted.

Yeas 42; Nays 0.

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Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Cagle, Carns, Collins, Crow, Dolbare, Freeman, Fuller, Gaines, Gaston, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 885. Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carter, Clay, Collins, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Lindsey, Mathis, McClain, McDaniel, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

-46

BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 886, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Bryant, Butler, Cagle, Carns, Carter, Clay, Collins, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Lindsey, McClain, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 886. Relating to Washington County; increasing the fee for the issuance of pistol permits by the sheriff and providing for distribution and use of the funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Butler, Cagle, Carns, Carter, Clay, Collins, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hawkins, Hill, Holley, Knight, Kvalheim, Lindsey, McClain, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable and Willis.

-40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Penry, the Budget Isolation Resolution and the bill, H. 894, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 895, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Buskey (JE), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Harvey, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Turnham, Venable, Williams, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 895. Proposing an amendment to the Constitution of Alabama of 1901, relating to the emergency telephone service charge in Randolph County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins,

Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDowell, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Williams and Willis.

-69

BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 897, was adopted.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Buskey (JE), Cagle, Carns, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Fuller, Gaston, Hammett, Harvey, Hawkins, Hill, Hogan, Holley, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Turnham, Venable, Williams, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 897. Relating to Randolph County; to authorize an emergency telephone service charge.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hammett, Harvey, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JE), the Budget Isolation Resolution relating to the bill, H. 869, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Cosby, Crow, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, McClain, McDowell, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Payne, Poole, Rockhold, Rogers (F), Smith (C), Turnham, Venable, Willis and Zoghby.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 869. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Higginbotham, Hogan, Holley, Hooper, Kennedy, Kvalheim, McClain, McDaniel, Melton, Morrow, Morton, Newton (C), Parker (P), Poole, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, S. 530, was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, McClain, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Perdue, Petelos, Poole, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

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And the bill:

S. 530. (With Substitute) (With Amendments): To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability

team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

"Section 1. (a) There is established in Mobile County an accountability team to assess efforts to improve education and progress in achieving the goals of the Mobile County Public School System's Strategic Plan.

"The Mobile County Education Accountability Team shall consist of nine members, three appointed by the Mobile County Commission, one from each commission district; two appointed by the delegation representing Mobile County in the Alabama House of Representatives; two appointed by the delegation representing Mobile County in the Alabama Senate; and two appointed by the Board of School Commissioners of Mobile County. The membership shall reflect as nearly as practicable the local demographics of the population of Mobile County. Members shall be appointed for four-year terms. The initial appointments shall be made within 60 days after the ratification of this amendment.

"The accountability team shall do all of the following:

"(1) Monitor all expenditures authorized by this act and report to the respective appointing authorities and to the public.

"(2) Monitor the status of implementation of the Mobile Public School Systems Strategic Plan.

"(3) Oversee the work of any similar committees established at individual schools.

"There shall be an executive director of the accountability team who shall serve at the pleasure of the team. The executive director shall be a volunteer who shall either serve without pay, be a loaned executive paid by business, or be paid by community contributions.

"In connection with its function, the accountability team shall have access to all files, records, audits, minutes, or other documents of the Board of School Commissioners of Mobile County.

"Each school in the Mobile County School System shall have an accountability committee. The chair of a school committee shall be a parent, but at least one teacher and the principal shall serve on the committee along with two or more other parents chosen by the Parent-Teacher Association of the school. The principal shall appoint the chair and the teacher or teachers and may appoint a member from the community who has expertise in accounting, construction management, or another field that will benefit a particular school.

"The school committees shall validate efforts in the individual school to achieve the goals established by the county accountability team. They shall report on the condition of the physical plant and oversee and update all facets of any needs assessment study. They shall report annually to the county team, to the Board of School Commissioners of Mobile County, and to the Parent-Teacher Association and parents of their individual school.

"(b) the provisions of subsection (a) of this amendment relating to accountability shall be implemented if, and only if, one or more of the proposals in Section 2 of this amendment are approved by a majority of the qualified electors voting on the proposals.

"Section 2. The Mobile County Commission shall levy, in addition to any other tax, ad valorem taxes in an amount up to 30 mills on each dollar of taxable property in the county for ten years. The revenue from the additional taxes shall be deposited in a trust fund in the county treasury to be expended for schools within the system to be distributed according to average daily attendance. Any person who spends funds in violation of this amendment shall be guilty of a Class A misdemeanor.

"The increase in the rate of the tax is subject to the approval of a majority of the qualified electors of the county who vote on the proposed increase at the next general, primary, constitutional, or special election for that purpose. Each proposition shall be separate on the ballot and the passage or defeat of any proposition or propositions shall not affect the passage or defeat of any other proposition or propositions.

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"The electors shall indicate their choice or choices by checking any of the following propositions on the ballot:

"Shall Mobile County Commission levy additional ad valorem tax for ten years in the following millage amounts and for the following purposes:

_____ 1. Five mills to purchase, install, renovate, upgrade, and repair plumbing, heating, air conditioning, and fire alarm systems, and make various improvements and related repairs to school buildings?

_____ 2. Seven mills to alleviate student overcrowding by constructing classrooms to replace portable classrooms?

_____ 3. Seven mills to construct, furnish, and equip additional classrooms?

_____ 4. One mill to purchase library books to supplement or replace existing books at school libraries?

_____ 5. Three mills to purchase and install computers, including the hardware, network, software, wiring, and furnishings necessary to provide computers?

_____ 6. Two mills to purchase, construct, install and equip science laboratories and related facilities?

_____ 7. One mill to improve student safety at all schools, generally as follows: installing and repairing site lights; installing a locking system for exterior and interior doors; installing a security alarm system; and installing perimeter fencing?

_____ 8. One mill to retire current loans of the system?

_____ 9. One mill to purchase new school buses?

_____ 10. Two mills for general operation of the schools?

"If at the election held under and according to this amendment, a majority of the qualified electors of Mobile County vote in favor of any proposition or propositions, the Mobile County Commission shall levy the additional ad valorem tax at the rate and for the purposes approved by a majority of the electors for ten years. After ten years, the taxes authorized by this act shall terminate unless continued by an affirmative vote of the qualified electors of the county."

Section 2. This amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Mobile County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaston, Hall, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, McClain, Melton, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

-55

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. 530 as substituted on page 2, Section 1, line 30, after the word "all" by inserting the following: non-confidential

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Flowers,

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Ford, Freeman, Fuller, Gaston, Grayson, Hall, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, Melton, Morrow, Newton (D), Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (J), Sanderford, Smith (C), Turnham, Willis and Zoghby.

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The question was then on the adoption of the amendment #2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. 530 as substituted on Page 3, Section 1, lines 3 and 15, after the word "Association" by inserting the following: or Parent-Teacher Organization

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, Melton, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Rockhold, Rogers (J), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

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The question was then on the adoption of the amendment #3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. 530 as substituted on Page 2, Section 1, line 7, after the word "Representatives" by inserting the following: one appointee shall reside outside the City of Mobile;

Further amend the bill on Page 2, Section 1, line 8, after the word "Senate" by inserting the following: one appointee shall reside outside the City of Mobile;

AMENDMENT TABLED

On motion of Representative Box, the committee amendment #3 was tabled.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaston, Hammett, Harper, Harvey, Hawkins, Hogan, Holladay, Holley, Hooper, Kennedy, Kvalheim, McMillan, Melton, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rockhold, Rogers (J), Smith (C), Turnham, Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment #4 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend S. 530 as substituted on Page 3, Section 2, line 25, after the word "taxes" by inserting the following: levied pursuant to propositions 1, 4, 5, 6, 7, 9, and 10

Further amend the bill on page 3, Section 2, line 27, after the period, by inserting the following: The revenue from the additional taxes levied pursuant to propositions 2 and 3 shall be deposited in a trust fund in the county treasury with not less than one-half to be expended for schools outside the city limits of Mobile. The revenue from the additional tax levied pursuant to proposition 8 shall be deposited in a trust fund in the county treasury to be expended for the retirement of current loans of the system.

AMENDMENT ADOPTED

And the amendment #4 was adopted.

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JE), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McMillan, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Box offered the following amendment #1 to the bill, S. 530, as amended:

Amend S. 530 as substituted on page 4, Section 1, lines 30-31 by striking the following: all of said lines.

Further amend on p. 4, line 32 by changing the "9" to "8"

Further amend on p. 4, line 33 by changing the "10" to "9"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Gaines, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, Morrow, Morton, Newton (D), Parker (P), Payne, Perdue, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-56

AMENDMENT OFFERED

Representative Box offered the following amendment #2 to the bill, S. 530, as amended:

Amend S. 530 as substituted on Page 2, Section 1, line 7, after the word "Representatives" by inserting the following: , one of whom shall reside outside the City of Mobile

Further amend the bill on Page 2, Section 1, line 8, after the word "Senate" by inserting the following: , one of whom shall reside outside the City of Mobile

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Burke, Buskey (JE), Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Ford, Fuller, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, Mikell, Millican, Morton, Newton (D), Parker (P), Payne, Perdue, Rockhold, Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

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And the bill, S. 530, as amended, was read a third time at length and passed.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Grayson, Gullatt, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Morton, Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 894, was adopted.

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Yeas 57; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JL), Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaston, Grayson, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McDowell, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Perdue, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Willis and Zoghby.

-57

And the bill:

H. 894. Relating to Baldwin County; providing further for the compensation of the judge of probate; repealing conflicting law; and providing an effective date.

was taken up.

AMENDMENT OFFERED

Representative Penry offered the following amendment to the bill, H. 894:

On page 1, line 25, after the period, insert the following language:

The Judge of Probate of Baldwin County shall receive an annual expense allowance in the same amount as is provided by law for judges of the District Court of Baldwin County.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JL), Cagle, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaines, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

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And the bill, H. 894, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JL), Cagle, Carter, Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaston, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Melton, the Budget Isolation Resolution relating to the bill, S. 524, was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JL), Cagle, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Ford, Fuller, Gaston, Grayson, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable, Walker, Williams, Willis and Zoghby.

-57

And the bill:

S. 524. Relating to the sheriff's compensation and expense allowances paid, in good faith, by the Tuscaloosa County commission or other county officer pursuant to Act Numbers 79-719 and 79-720 of the 1979 Regular Session (Acts 1979, p. 1274), which acts provided for such expense allowances; ratifying, validating and confirming the actions of the county commission and any other county officer retroactively to August 8, 1979, and continuing thereafter; relieving any liability for repayment by such officials; providing that the provisions of this act

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shall be construed in pari materia with any other laws relating to compensation or expense allowances or salary for the sheriff and specifically with the provisions of Act No. 87-454, S. 570 of the 1987 Regular Session (Act 1987, p. 683).

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Burke, Buskey (JL), Cagle, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Turnham, Venable, Walker, Williams and Willis.

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BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Parker (T), the Budget Isolation Resolution and the bill, H. 887, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Poole, the Budget Isolation Resolution relating to the bill, H. 888, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Fuller, Gaines, Gaston, Grayson, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Turnham, Venable, Walker, Warren, Williams and Willis.

-55

And the bill:

H. 888. Relating to Tuscaloosa County; authorizing the county commission to levy an additional temporary sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Fuller, Gaines, Gaston, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Walker, Warren, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Smith (R), the Budget Isolation Resolution relating to the bill, H. 881, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Fuller, Gaines, Gaston, Grayson, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren and Willis.

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And the bill:

H. 881. Relating to Etowah County; providing further for the compensation of the members of the board of equalization.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Ford, Fuller, Gaines, Gaston, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Warren, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Smith (R), the Budget Isolation Resolution relating to the bill, H. 882, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Williams and Willis.

-67

And the bill:

H. 882. Relating to Class 4 municipalities which have adopted the mayor-

council form of government; to provide for a method of abatement of public nuisances resulting from grass or weeds; to provide for notice and hearings for property owners; to authorize the assessment and collection of the costs of abatement; and to provide that these assessments constitute a lien upon the property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Collins, Cosby, Crow, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, Warren, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Smith (R), the Budget Isolation Resolution relating to the bill, H. 883, was adopted.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Williams, Willis and Zoghby.

-67

And the bill:

H. 883. Relating to Class 4 municipalities that have adopted the mayor-council form of government; to grant the right to demolish unsafe buildings and structures; providing for a determination of the ownership of the real property or structure and notice of hearing; to provide for the procedure for hearings and appeal to the circuit court; to authorize liens for the cost of demolition and the authority to assess and collect against property sold for these assessments.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Representatives Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaston, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams and Willis.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Bryant, the Budget Isolation Resolution relating to the bill, H. 900, was adopted.

Yeas 59; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Ford, Fuller, Gaines, Gaston, Grayson, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Turnham, Venable, Williams and Willis.

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And the bill:

H. 900. Relating to Perry County; authorizing the county commission to construct and maintain driveways for schools, churches, and church-owned cemeteries, and school bus turnarounds located within the county at county expense on any gravel road or driveway leading from a public road to the residence of an abutting landowner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Curry, Drake, Ford, Freeman, Fuller, Gaston, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Starkey, Turnham, Venable, Walker, Williams and Willis.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Smith (C) and Knight:

H.R. 413. COMMENDING DR. LORETTA G. BROWN ON HER RETIREMENT AS DIRECTOR OF THE GEORGE C. WALLACE SPEECH AND HEARING CENTER.

Also:

The following resolutions were introduced:

By Representative Rockhold:

H.J.R. 414. MOURNING THE DEATH OF JAMES EDWARD HUNN OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the lamentable and untimely death of James Edward Hunn of Mobile, Alabama, on April 29, 1992, at the age of just 55 years; and

WHEREAS, a native and lifelong resident of Mobile, Corporal Hunn enjoyed a long and distinguished career in law enforcement as Deputy Sheriff and as a highly regarded member of the Mobile community; and

WHEREAS, recognized for outstanding dedication and career achievement, he was presented the Law Enforcement Award by the Alabama American Legion and, in 1983, was chosen Deputy of the Year by the Exchange Club of Mobile and the Midtown Optimist Club; and

WHEREAS, the death of James Edward Hunn has indeed left an unfathomable void in the life of the community and in the hearts of his beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of James Edward Hunn of Mobile, Alabama, and extend our deepest and most heartfelt sympathy to his wife, Betty Busby Hunn; to his daughter, Bridgette Hunn Johnson and son, James E. Hunn, Jr.; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Rockhold, the rules were suspended and the resolution, H.J.R. 414, was adopted.

Also:

By Representatives Buskey (JL), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 415. COMMENDING ALABAMA'S PROFESSIONAL NURSES AND URGING THE OBSERVANCE OF MAY 4-10, 1992, AS NATIONAL NURSES WEEK.

WHEREAS, the Legislature of Alabama notes with highest commendation registered nurses in Alabama who represent the largest group of health care providers in the state; and

WHEREAS, nurses make a difference in the lives of people they serve every day by demonstration of their unique combination of qualities -- clinical knowledge, sound judgement, and the ability to care; and

WHEREAS, the demand for nursing service is greater than ever because of the aging population, the ability to sustain life through advanced technology, changes in the setting where health care is delivered, changes in health care financing, and the changing health care needs of today's consumers; and

WHEREAS, more qualified nurses will be needed in the future to meet the increasingly complex needs of health care consumers in Alabama; and

WHEREAS, the Alabama State Nurses' Association and the American Nurses' Association have designated May 4-10, 1992, as National Nurses Week and the Alabama State Nurses' Association has accepted the theme "Nursing - Shaping the Future of Health Care" in celebration of the ways in which nurses contribute to high quality patient care and improvement of our health care system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That during National Nurses Week, May 4-10, 1992, we join all citizens in celebrating nursing accomplishments and recognizing nurses for their unique contributions and their ability to have a positive impact on the lives of those for whom they care.

On motion of Representative Buskey (JL), the rules were suspended and the resolution, H.J.R. 415, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Buskey (JL), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.R. 416. COMMENDING ALABAMA'S PROFESSIONAL NURSES AND URGING THE OBSERVANCE OF MAY 4-10, 1992, AS NATIONAL NURSES WEEK.

Also:

By Representative Box:

H.R. 417. COMMENDING THE MCGILL-TOOLEN VARSITY GIRLS CROSS COUNTRY TEAM FOR WINNING THE STATE CHAMPIONSHIP.

Also:

By Representative Box:

H.R. 418. COMMENDING THE MCGILL-TOOLEN FRESHMAN GIRLS CROSS COUNTRY TEAM FOR WINNING THE STATE CHAMPIONSHIP.

Also:

By Representative Box:

H.R. 419. COMMENDING THE MCGILL-TOOLEN FRESHMAN BOYS CROSS COUNTRY TEAM FOR WINNING THE STATE CHAMPIONSHIP.

Also:

By Representatives Escott-Russell and Clay:

H.R. 420. COMMENDING JOHNNY WILLIAM COVINGTON FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

By Representative Willis:

H.R. 421. RECOGNIZING THE 100TH ANNIVERSARY OF SCT YARNS, INCORPORATED, PIEDMONT, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hale:

S. 312. To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee, and if more than one grantee, the mailing address of the grantee to whom statements and other notices regarding ad valorem taxes should be sent; providing that after the effective date of this act no deeds shall be accepted for recording in the probate courts of this state unless such information is contained therein; and further providing that foreclosure notices advertised in the newspaper shall contain the street address of the foreclosed property in the advertised notice.

MCDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 312. Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 422. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-eighth legislative day, Tuesday, May 5, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 772</u> - By Harper (As Substituted)	111
Public School and College Authority, selling of bonds auth.	
<u>H. 675</u> - By Carothers	98
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	

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H. 687 - By Carothers (As Amended) 98

Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages

H. 695 - By Johnson 144

Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners

H. 785 - By Bugg 185

Absentee ballots for shift workers, auth., Sec. 17-10-3 am'd.

H. 290 - By Haynes (As Amended) 1

Public safety director, auth. to open records relating to criminal history of individuals, fees, penalties

H. 291 - By Haynes (As Amended) 86

Criminal history processing court fee levied in cert. criminal cases, distrib.

H. 599 - By Hogan (As Substituted) 139

Mining Museum, approp.

H. 879 - By Newton (C) 180

Trucks, semitrailers, trailers and combinations of, transporting laminated wood building materials exempt from length restrictions, penalties, Sec. 32-9-25 am'd.

H. 374 - By Zoghby (As Amended) 88

Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center

H. 306 - By Beasley 16

Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.

H. 412 - By Morrow 31

Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.

<u>H. 875</u> - By Cagle	185
Coal severance tax, disbursement further provided, Sec. 40-13-6 am'd.	
<u>H. 259</u> - By Williams	42
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 141</u> - By Penry	21
Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.	
<u>H. 626</u> - By Smith (C) (As Amended and Substituted)	140
Corrections Institution Finance Authority, auth. issue add'l bonds, Sec. 14-2-12 am'd.	
<u>H. 566</u> - By Hill (As Amended)	140
Shelby Co., sales tax levied on lease or rental of personal prop.	
<u>H. 636</u> - By Freeman	121
Real property, deeds, mailing address of grantee req., Secs. 35-4-110, 35-4-113, am'd.	
<u>H. 296</u> - By Warren (As Substituted)	21
Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.	
<u>H. 6</u> - By Powell (As Amended)	45
Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.	
<u>H. 583</u> - By Venable (As Substituted)	96
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	

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H. 868 - By Butler (As Substituted) 171

Veterans' Affairs Dept., appropriation for vet. homes

H. 874 - By McMillan (As Substituted) 179

Certificate of need, cert. nursing homes operated by
Veterans' Affairs Dept., exempt

H. 541 - By Hawkins 2

Employees' Retirement System, cert. local employees auth.
to join, Sec. 36-27-6 am'd.

H. 697 - By Perdue 123

Mutual aid associations policies issued on other than cash
basis validated, cash basis reserves continued, Sec.
27-30-16 am'd.

H. 729 - By McDaniel (As Amended) 132

Security Regulatory Bd. estab., security officers, persons and
entities engaged in security work reg., licensing and registra-
tion req., fees, revolving fund estab.

H. 30 - By Box 14

Architects, engineers, and licensed gen. contractors, limita-
tion re professional liability for construction

H. 31 - By Box 14

Materialmen, civil actions against, statute of limitations

H. 57 - By Cullins 66

Motor vehicles, lighting equipment must be used when
windshield wipers are in use, Sec. 32-5-240 am'd.

H. 123 - By Turnham 30

Infants and toddlers with disabilities, early intervention
services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted) 90

District attys., certain dist. attorney employees authorized to
purchase time employed with D.A. prior to 1982 relative to
health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1
am'd.

<u>H. 453</u> - By Hooper	25
Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.	
<u>H. 581</u> - By Johnson (As Amended)	163
Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.	
<u>H. 169</u> - By Kennedy (As Amended)	115
Prisoners, restoration of citizenship rts., including voting, upon release, pardon, or parole, Sec. 17-3-10 repealed	
<u>H. 794</u> - By Bugg	160
Mammography, insurance coverage mandated for cert. insurers of hospital, medical or surgical expenses, or health maintenance in cert. individual and group policies	
<u>H. 348</u> - By Haynes (As Amended and Substituted)	142
Health Dept., auth. to certify persons or entities conducting medical insurance benefits audits	
<u>H. 556</u> - By Freeman (As Substituted)	133
Social Workers, licensed bachelor social workers, qualifications to conform to fed. law, Sec. 34-30-22 am'd.	
<u>H. 364</u> - By Campbell	70
Attorneys, business licenses collected by st. bar, Sec. 40-12-49 am'd.	
<u>S. 118</u> - By Mitchell	148
Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.	
<u>S. 437</u> - By Mitchell	172
Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.	

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S. 305 - By Smith (J)

135

Agriculture and Industries Dept., boll weevil eradication,
supp. approp.

S. 595 - By Foshee

167

Highway Dept., supp. approp. from Public Road and Bridge
Fund

S. 114 - By Corbett

85

County chief appraisers, min. salary schedule estab.

S. 110 - By Lindsey

118

Legislative security personnel, employment auth.

S. 246 - By Corbett

62

Municipalities, issuing summons and complaints for
misdemeanors and violations further provided, Sec.
11-45-9.1 am'd.

S. 74 - By Owens (As Amended)

170

Corrections institution finance authority, auth. to issue add'l.
bonds for purpose of constructing facilities, Sec. 14-2-12
am'd.

S. 93 - By Corbett

116

Affirmative action programs, definition of minority to incl.
American Indians and Alaskan Natives

S. 321 - By Bailey

159

Vital statistics office estab., st. registrar estab., powers,
duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50,
22-9-51, 22-9-70 to 22-9-79 repealed

S. 254 - By Bedsole

104

Crime Victims Compensation Commission, name changed to
Crime Victims Commission, assessment in juvenile offenders
and violation cases, Secs. 15-23-3, 15-23-4, 15-23-17 am'd.

<u>S. 23</u> - By Bennett	148
Impaired Drivers Trust Fund estab., to provide rehabilitative services for cert. type injuries, admin. by bd.	
<u>S. 365</u> - By Mitchem	84
Death penalty, offenses to incl. drive-by killings, Sec. 13A-5-40 am'd.	
<u>S. 308</u> - By Bennett	168
State parks, cert. concession contracts exempt from cert. regs., Sec. 9-14-29 am'd.	
<u>S. 89</u> - By Bolling	101
Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.	
<u>S. 59</u> - By Smith (J)	40
Teachers, appointing of, alt. method provided, Sec. 16-13-52 am'd.	
<u>S. 109</u> - By Mitchem (As Substituted)	101
Home Builders Licensure Bd. estab., licensing and regulation	
<u>S. 285</u> - By Mitchell	83
State employees, wrongful dismissal, cause of action estab. to remedy, penalties	
<u>S. 66</u> - By Windom	17
Uniform Commercial Code, Art. 4A funds transfers adopted, Sec. 7-1-105 am'd.	
<u>S. 113</u> - By Windom	48
Uniform commercial code, leases incl., personnel prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.	
<u>S. 375</u> - By Lindsey	127
Oil and Gas Bd., oil and gas storage, auth. to regulate	

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S. 6 - By Little (As Amended)

137

Employees' Retirement System, credit for judicial service auth.

S. 487 - By Little

146

Class 6 muns., motor vehicles left without authorization or permission on private prop., use of wheel lock device

S. 13 - By Little

152

Peace Officers' Annuity Benefits Fund, benefits incr., Sec. 36-21-70 am'd.

S. 15 - By Langford

49

State depts. and agencies, purchasing procedures further provided, Sec. 41-4-113 am'd.

S. 211 - By Bedsole

132

Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.

S. 72 - By Mitchell

143

Health ed. programs in schools, to incl. sex or illegal drug use

S. 260 - By Bailey

77

Children's Trust Fund, investment of trust fund money further reg., Sec. 26-16-30 am'd.

S. 458 - By Ghee

77

Driving under influence, penalty for fourth conviction within five yrs., Sec. 32-5A-191 am'd.

S. 457 - By Dixon

155

Foster Care Trust Fund, income tax check-off

S. 74 - By Owens (As Amended)

170

Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.

<u>S. 31</u> - By Dial	135
Alabama National Guard, ed. benefits for membrs.	
<u>S. 336</u> - By Ghee	161
Handicapped, guidelines for access to voter registration and polling places, Secs. 21-4-22 am'd.	
<u>S. 340</u> - By Ghee	168
Board of registrars, mileage allowance for official business, Sec. 17-4-153 am'd.	
<u>S. 61</u> - By Denton	41
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
<u>S. 247</u> - By Foshee	122
Insurance premium finance companies, reg., max. service charge, contract, Secs. 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15 and 27-40-17 am'd.	
<u>S. 14</u> - By Langford	121
Youth Services Dept., may appoint or employ cert. police officers, powers, duties	
<u>S. 233</u> - By Amari (As Amended)	140
College tuition, auth. to be paid by st. for cert. students in financial need	
<u>S. 351</u> - By Bedsole	165
Water and Sewer Board, membership increased, Sec. 11-50-342 am'd.	
<u>S. 284</u> - By Bedsole	111
Youth Services Bd., membership incr., comp., Secs. 44-1-51, 44-1-53 am'd.	

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 422.

SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the resolution, H.R. 422:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-eighth legislative day, Tuesday, May 5, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 675</u> - By Carothers	98
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	
<u>H. 687</u> - By Carothers (As Amended)	98
Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages	
<u>H. 695</u> - By Johnson	144
Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners	
<u>H. 785</u> - By Bugg	185
Absentee ballots for shift workers, auth., Sec. 17-10-3 am'd.	
<u>H. 290</u> - By Haynes (As Amended)	1
Public safety director, auth. to open records relating to criminal history of individuals, fees, penalties	
<u>H. 291</u> - By Haynes (As Amended)	86
Criminal history processing court fee levied in cert. criminal cases, distrib.	

<u>H. 599</u> - By Hogan (As Substituted)	139
Mining Museum, approp.	
<u>H. 879</u> - By Newton (C)	180
Trucks, semitrailers, trailers and combinations of, transporting laminated wood building materials exempt from length restrictions, penalties, Sec. 32-9-25 am'd.	
<u>H. 374</u> - By Zoghby (As Amended)	88
Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center	
<u>H. 306</u> - By Beasley	16
Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.	
<u>H. 412</u> - By Morrow	31
Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.	
<u>H. 875</u> - By Cagle	185
Coal severance tax, disbursement further provided, Sec. 40-13-6 am'd.	
<u>H. 259</u> - By Williams	42
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 141</u> - By Penry	21
Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.	
<u>H. 626</u> - By Smith (C) (As Amended and Substituted)	140
Corrections Institution Finance Authority, auth. issue add'l bonds, Sec. 14-2-12 am'd.	

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H. 566 - By Hill (As Amended)

140

Shelby Co., sales tax levied on lease or rental of personal prop.

H. 636 - By Freeman

121

Real property, deeds, mailing address of grantee req., Secs. 35-4-110, 35-4-113, am'd.

H. 296 - By Warren (As Substituted)

21

Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.

H. 6 - By Powell (As Amended)

45

Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.

H. 583 - By Venable (As Substituted)

96

Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed

H. 868 - By Butler (As Substituted)

171

Veterans' Affairs Dept., appropriation for vet. homes

H. 874 - By McMillan (As Substituted)

179

Certificate of need, cert. nursing homes operated by Veterans' Affairs Dept., exempt

H. 541 - By Hawkins

2

Employees' Retirement System, cert. local employees auth. to join, Sec. 36-27-6 am'd.

H. 697 - By Perdue

123

Mutual aid associations policies issued on other than cash basis validated, cash basis reserves continued, Sec. 27-30-16 am'd.

<u>H. 729</u> - By McDaniel (As Amended)	132
Security Regulatory Bd. estab., security officers, persons and entities engaged in security work reg., licensing and registration req., fees, revolving fund estab.	
<u>H. 30</u> - By Box	14
Architects, engineers, and licensed gen. contractors, limitation re professional liability for construction	
<u>H. 31</u> - By Box	14
Materialmen, civil actions against, statute of limitations	
<u>H. 57</u> - By Cullins	66
Motor vehicles, lighting equipment must be used when windshield wipers are in use, Sec. 32-5-240 am'd.	
<u>H. 123</u> - By Turnham	30
Infants and toddlers with disabilities, early intervention services estab., Ed. Dept. to be lead agency	
<u>H. 99</u> - By Williams (As Substituted)	90
District attys., certain dist. attorney employees authorized to purchase time employed with D.A. prior to 1982 relative to health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1 am'd.	
<u>H. 453</u> - By Hooper	25
Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.	
<u>H. 581</u> - By Johnson (As Amended)	163
Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.	
<u>H. 169</u> - By Kennedy (As Amended)	115
Prisoners, restoration of citizenship rts., including voting, upon release, pardon, or parole, Sec. 17-3-10 repealed	

REGULAR SESSION
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3277

H. 794 - By Bugg 160

Mammography, insurance coverage mandated for cert. insurers of hospital, medical or surgical expenses, or health maintenance in cert. individual and group policies

H. 348 - By Haynes (As Amended and Substituted) 142

Health Dept., auth. to certify persons or entities conducting medical insurance benefits audits

H. 556 - By Freeman (As Substituted) 133

Social Workers, licensed bachelor social workers, qualifications to conform to fed. law, Sec. 34-30-22 am'd.

H.772 - By Harper (as Substituted)

Public School and College Authority

H. 364 - By Campbell 70

Attorneys, business licenses collected by st. bar, Sec. 40-12-49 am'd.

S. 118 - By Mitchell 148

Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.

S. 437 - By Mitchell 172

Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.

S. 305 - By Smith (J) 135

Agriculture and Industries Dept., boll weevil eradication, supp. approp.

S. 595 - By Foshee 167

Highway Dept., supp. approp. from Public Road and Bridge Fund

<u>S. 114</u> - By Corbett	85
County chief appraisers, min. salary schedule estab.	
<u>S. 110</u> - By Lindsey	118
Legislative security personnel, employment auth.	
<u>S. 246</u> - By Corbett	62
Municipalities, issuing summons and complaints for misdemeanors and violations further provided, Sec. 11-45-9.1 am'd.	
<u>S. 74</u> - By Owens (As Amended)	170
Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.	
<u>S. 93</u> - By Corbett	116
Affirmative action programs, definition of minority to incl. American Indians and Alaskan Natives	
<u>S. 321</u> - By Bailey	159
Vital statistics office estab., st. registrar estab., powers, duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50, 22-9-51, 22-9-70 to 22-9-79 repealed	
<u>S. 254</u> - By Bedsole	104
Crime Victims Compensation Commission, name changed to Crime Victims Commission, assessment in juvenile offenders and violation cases, Secs. 15-23-3, 15-23-4, 15-23-17 am'd.	
<u>S. 23</u> - By Bennett	148
Impaired Drivers Trust Fund estab., to provide rehabilitative services for cert. type injuries, admin. by bd.	
<u>S. 365</u> - By Mitchem	84
Death penalty, offenses to incl. drive-by killings, Sec. 13A-5-40 am'd.	

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3279

S. 308 - By Bennett

168

State parks, cert. concession contracts exempt from cert. regs., Sec. 9-14-29 am'd.

S. 89 - By Bolling

101

Law enforcement officers, ambulance attendants, wastewater operators, training costs reimbursed where one governmental entity hires employees of another, Sec. 36-21-7 am'd.

S. 59 - By Smith (J)

40

Teachers, appointing of, alt. method provided, Sec. 16-13-52 am'd.

S. 109 - By Mitchem (As Substituted)

101

Home Builders Licensure Bd. estab., licensing and regulation

S. 285 - By Mitchell

83

State employees, wrongful dismissal, cause of action estab. to remedy, penalties

S. 66 - By Windom

17

Uniform Commercial Code, Art. 4A funds transfers adopted, Sec. 7-1-105 am'd.

S. 113 - By Windom

48

Uniform commercial code, leases incl., personnel prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

S. 375 - By Lindsey

127

Oil and Gas Bd., oil and gas storage, auth. to regulate

S. 6 - By Little (As Amended)

137

Employees' Retirement System, credit for judicial service auth.

S. 487 - By Little

146

Class 6 muns., motor vehicles left without authorization or permission on private prop., use of wheel lock device

<u>S. 13</u> - By Little	152
Peace Officers' Annuity Benefits Fund, benefits incr., Sec. 36-21-70 am'd.	
<u>S. 15</u> - By Langford	49
State depts. and agencies, purchasing procedures further provided, Sec. 41-4-113 am'd.	
<u>S. 211</u> - By Bedsole	132
Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.	
<u>S. 72</u> - By Mitchell	143
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>S. 260</u> - By Bailey	77
Children's Trust Fund, investment of trust fund money further reg., Sec. 26-16-30 am'd.	
<u>S. 458</u> - By Ghee	77
Driving under influence, penalty for fourth conviction within five yrs., Sec. 32-5A-191 am'd.	
<u>S. 457</u> - By Dixon	155
Foster Care Trust Fund, income tax check-off	
<u>S. 74</u> - By Owens (As Amended)	170
Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.	
<u>S. 31</u> - By Dial	135
Alabama National Guard, ed. benefits for membs.	
<u>S. 336</u> - By Ghee	161
Handicapped, guidelines for access to voter registration and polling places, Secs. 21-4-22 am'd.	

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3281

S. 340 - By Ghee

168

Board of registrars, mileage allowance for official business, Sec. 17-4-153 am'd.

S. 61 - By Denton

41

County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.

S. 247 - By Foshee

122

Insurance premium finance companies, reg., max. service charge, contract, Secs. 27-40-1, 27-40-8, 27-40-9, 27-40-12, 27-40-15 and 27-40-17 am'd.

S. 14 - By Langford

121

Youth Services Dept., may appoint or employ cert. police officers, powers, duties

S. 233 - By Amari (As Amended)

140

College tuition, auth. to be paid by st. for cert. students in financial need

S. 351 - By Bedsole

165

Water and Sewer Board, membership increased, Sec. 11-50-342 am'd.

S. 284 - By Bedsole

111

Youth Services Bd., membership incr., comp., Secs. 44-1-51, 44-1-53 am'd.

SUBSTITUTE TABLED

On motion of Representative Carter, the substitute offered by Representative Venable to the resolution, H.R. 422, was tabled.

Yeas 47; Nays 38.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Ford, Fuller, Hammett, Harper, Harvey, Haynes, Hogan, Holladay, Holmes, Johnson, Kennedy, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Walker, Williams, Willis and Zoghby.

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Nay:

Representatives Beasley, Biddle, Cosby, Curry, Drake, Flowers, Gaines, Gaston, Haney, Hawkins, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Layson, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turnham, Venable, Warren and White.

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SUBSTITUTE OFFERED

Representative Drake offered the following substitute to the resolution, H.R. 422:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-eighth legislative day, Tuesday, May 5, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>H. 868</u> - Veterans Homes	
<u>H. 874</u> - Veterans Homes	
<u>H. 772</u> - By Harper (As Substituted)	111
Public School and College Authority, selling of bonds auth.	
<u>H. 675</u> - By Carothers	98
Animal research, agricultural, commercial or ed. facilities, crimes re, penalties	

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3283

H. 687 - By Carothers (As Amended) 98

Crimes and offenses, unlawful, wanton, malicious killing, or disabling livestock, penalties, definition and damages

H. 695 - By Johnson 144

Veterinarians, advertising, not to be fraudulent or misleading, reg. by Bd. of Veterinary Medical Examiners

H. 785 - By Bugg 185

Absentee ballots for shift workers, auth., Sec. 17-10-3 am'd.

H. 290 - By Haynes (As Amended) 1

Public safety director, auth. to open records relating to criminal history of individuals, fees, penalties

H. 291 - By Haynes (As Amended) 86

Criminal history processing court fee levied in cert. criminal cases, distrib.

H. 599 - By Hogan (As Substituted) 139

Mining Museum, approp.

H. 879 - By Newton (C) 180

Trucks, semitrailers, trailers and combinations of, transporting laminated wood building materials exempt from length restrictions, penalties, Sec. 32-9-25 am'd.

H. 374 - By Zoghby (As Amended) 88

Teachers' Retirement System, reopened for purchase of prior credit by employees of South Alabama Medical Center

H. 306 - By Beasley 16

Consumer finance, effect of good faith reliance placed on Banking Dept. Supt.

H. 412 - By Morrow 31

Paternity actions, Human Resources Dept. req. to commence, Sec. 26-17-7 am'd.

<u>H. 875</u> - By Cagle	185
Coal severance tax, disbursement further provided, Sec. 40-13-6 am'd.	
<u>H. 259</u> - By Williams	42
Criminal Justice Information Center, law enforcement officers entitled to badge and pistol upon retirement, Sec. 36-21-8 am'd.	
<u>H. 141</u> - By Penry	21
Mobile home trailer parks, co. comm. may reg., inspectors, fees may be levied on inspected prop., Sec. 11-24-1 am'd.	
<u>H. 626</u> - By Smith (C) (As Amended and Substituted)	140
Corrections Institution Finance Authority, auth. issue add'l bonds, Sec. 14-2-12 am'd.	
<u>H. 566</u> - By Hill (As Amended)	140
Shelby Co., sales tax levied on lease or rental of personal prop.	
<u>H. 636</u> - By Freeman	121
Real property, deeds, mailing address of grantee req., Secs. 35-4-110, 35-4-113, am'd.	
<u>H. 296</u> - By Warren (As Substituted)	21
Ad valorem taxes, short term investment, tax assessors incl., Sec. 40-1-47 am'd.	
<u>H. 6</u> - By Powell (As Amended)	45
Legislature, Gov. submit budget to at cert. time, legis. to act on approp. bills within cert. time, sp. session in cert. instances, consti. amend.	
<u>H. 583</u> - By Venable (As Substituted)	96
Watercrafts, discharge of wastes and sewage reg., marina sanction facilities reg., fees, licenses, Secs. 33-6-1 through 33-6-12 repealed	

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3285

H. 868 - By Butler (As Substituted)

171

Veterans' Affairs Dept., appropriation for vet. homes

H. 874 - By McMillan (As Substituted)

179

Certificate of need, cert. nursing homes operated by
Veterans' Affairs Dept., exempt

H. 541 - By Hawkins

2

Employees' Retirement System, cert. local employees auth.
to join, Sec. 36-27-6 am'd.

H. 697 - By Perdue

123

Mutual aid associations policies issued on other than cash
basis validated, cash basis reserves continued, Sec.
27-30-16 am'd.

H. 729 - By McDaniel (As Amended)

132

Security Regulatory Bd. estab., security officers, persons and
entities engaged in security work reg., licensing and registra-
tion req., fees, revolving fund estab.

H. 30 - By Box

14

Architects, engineers, and licensed gen. contractors, limita-
tion re professional liability for construction

H. 31 - By Box

14

Materialmen, civil actions against, statute of limitations

H. 57 - By Cullins

66

Motor vehicles, lighting equipment must be used when
windshield wipers are in use, Sec. 32-5-240 am'd.

H. 123 - By Turnham

30

Infants and toddlers with disabilities, early intervention
services estab., Ed. Dept. to be lead agency

H. 99 - By Williams (As Substituted)

90

District attys., certain dist. attorney employees authorized to
purchase time employed with D.A. prior to 1982 relative to
health ins. and benefits, Act 82-621 am'd.; Sec. 36-29-1
am'd.

<u>H. 453</u> - By Hooper	25
Juveniles committing crimes involving serious physical injury, death, or drugs, to be tried in circuit ct. unless transferred to juvenile ct.	
<u>H. 581</u> - By Johnson (As Amended)	163
Gas authorities, incorporated to sell gas to muns. and public gas distribution systems, bonds auth.	
<u>H. 169</u> - By Kennedy (As Amended)	115
Prisoners, restoration of citizenship rts., including voting, upon release, pardon, or parole, Sec. 17-3-10 repealed	
<u>H. 794</u> - By Bugg	160
Mammography, insurance coverage mandated for cert. insurers of hospital, medical or surgical expenses, or health maintenance in cert. individual and group policies	
<u>H. 348</u> - By Haynes (As Amended and Substituted)	142
Health Dept., auth. to certify persons or entities conducting medical insurance benefits audits	
<u>H. 556</u> - By Freeman (As Substituted)	133
Social Workers, licensed bachelor social workers, qualifications to conform to fed. law, Sec. 34-30-22 am'd.	
<u>H. 364</u> - By Campbell	70
Attorneys, business licenses collected by st. bar, Sec. 40-12-49 am'd.	
<u>S. 118</u> - By Mitchell	148
Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.	
<u>S. 437</u> - By Mitchell	172
Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.	

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3287

S. 305 - By Smith (J)

135

Agriculture and Industries Dept., boll weevil eradication, supp. approp.

S. 595 - By Foshee

167

Highway Dept., supp. approp. from Public Road and Bridge Fund

S. 114 - By Corbett

85

County chief appraisers, min. salary schedule estab.

S. 110 - By Lindsey

118

Legislative security personnel, employment auth.

S. 246 - By Corbett

62

Municipalities, issuing summons and complaints for misdemeanors and violations further provided, Sec. 11-45-9.1 am'd.

S. 74 - By Owens (As Amended)

170

Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.

S. 93 - By Corbett

116

Affirmative action programs, definition of minority to incl. American Indians and Alaskan Natives

S. 321 - By Bailey

159

Vital statistics office estab., st. registrar estab., powers, duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50, 22-9-51, 22-9-70 to 22-9-79 repealed

S. 254 - By Bedsole

104

Crime Victims Compensation Commission, name changed to Crime Victims Commission, assessment in juvenile offenders and violation cases, Secs. 15-23-3, 15-23-4, 15-23-17 am'd.

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Death penalty, offenses to incl. drive-by killings, Sec. 13A-5-40 am'd.	
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State parks, cert. concession contracts exempt from cert. regs., Sec. 9-14-29 am'd.	
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<u>S. 109</u> - By Mitchem (As Substituted)	101
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S. 487 - By Little 146

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S. 13 - By Little 152

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State depts. and agencies, purchasing procedures further provided, Sec. 41-4-113 am'd.

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<u>S. 284</u> - By Bedsole	111
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MOTION TO TABLE LOST

The motion offered by Representative Carothers to table the substitute offered by Representative Drake to the resolution, H.R. 422, was lost.

Yeas 25; Nays 65.

Yea:

Representatives Beasley, Black (L), Buskey (JE), Buskey (JL), Carns, Carothers, Carter, Clark (W), Clay, Curry, Ford, Hammett, Harper, Haynes, Holmes, Johnson, Kennedy, Mathis, Melton, Newton (D), Perdue, Poole, Spratt, Thomas and Warren.

-25

Nay:

Representatives Anderson, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Butler, Cagle, Collins, Cosby, Crow, Cullins, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Turnham, Venable, White, Williams, Willis and Zoghby.

-65

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Drake to the resolution, H.R. 422, and the substitute was adopted.

Yeas 68; Nays 24.

Yea:

Representatives Anderson, Biddle, Black (M), Blakeney, Bowling, Box, Burke, Butler, Cagle, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Williams, Willis and Zoghby.

-68

Nay:

Representatives Beasley, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Carns, Carothers, Carter, Clark (W), Curry, Ford, Harper, Harvey, Haynes, Holmes, Kennedy, Mathis, McClain, Melton, Poole, Thomas, Warren and White.

-24

AMENDMENT OFFERED

Representatives McDowell and Sanderson offered the following amendment to the resolution, H.R. 422, as amended:

On page 1, delete lines 17 to 19, inclusive, and insert in lieu thereof the following language:

H. 794 - By Bugg

Mammography, insurance coverage mandated for certain insurers of hospital, medical or surgical expenses, or health maintenance in certain individual and group policies

On page 4, delete lines 25 to 28, inclusive

AMENDMENT TABLED

On motion of Representative Carter, the amendment offered by Representatives McDowell and Sanderson to the resolution, H.R. 422, as amended, was tabled.

Yeas 37; Nays 34.

Yea:

Mr. Speaker, Beasley, Bowling, Cagle, Carns, Carothers, Carter, Collins, Crow, Cullins, Drake, Flowers, Ford, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Johnson, Laird, Mathis, McDaniel, McKee, McMillan, Parker (T), Penry, Poole, Powell, Rich, Richardson, Sanderford, Smith (R), Spratt, Turnham, Warren, Williams and Willis.

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Nay:

Representatives Anderson, Barnes, Biddle, Black (L), Bryant, Bugg, Burke, Clay, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Haynes, Holley, Hooper, Kennedy, Kvalheim, McClain, Mikell, Parker (P), Payne, Perdue, Petelos, Rockhold, Sanderson, Starkey, Venable, Walker and Zoghby.

-34

And the resolution, H.R. 422, as amended, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Representative Haynes that the House adjourn until 10:00 o'clock a.m., Thursday, May 7, 1992, was lost.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 884. To authorize the Cleburne County Commission to adopt, amend, and provide for the enforcement of certain building codes which shall apply in certain areas in the county; to prescribe the manner of adopting such codes; to authorize the county commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes; and to prescribe penalties for violation of such codes.

TOMMY CARTER
Chairman

And the bill, H. 884, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Spratt, the Budget Isolation Resolution relating to the bill, H. 563, was adopted.

Yeas 31; Nays 1.

Yea:

Representatives Barnes, Black (L), Bryant, Burke, Buskey (JE), Cagle, Clark (W), Collins, Crow, Curry, Escott-Russell, Freeman, Fuller, Gaston, Hawkins, Hogan, Holley, Kvalheim, McClain, McDowell, Mikell, Newton (D), Parker (P), Parker (T), Perdue, Powell, Rogers (J), Sanderford, Smith (C), Spratt and Willis.

-31

Nay:

Representative Sanderson.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECESS ADOPTED

The motion offered by Representative Layson that when the hour of 5:30 o'clock p.m. arrives, the House stand in recess until 7:00 o'clock p.m. was adopted.

Yeas 44; Nays 39.

Yea:

Representatives Anderson, Beasley, Black (M), Bowling, Box, Buskey (JE), Clark (W), Cosby, Crow, Cullins, Curry, Ford, Fuller, Gaines, Gaston, Hamilton, Haney, Haynes, Higginbotham, Hill, Holley, Hooper, Johnson, Kvalheim, Laird, Layson, Mathis, McKee, Melton, Mikell, Morton, Newton (C), Petelos, Poole, Powell, Rockhold, Rogers (F), Sanderford, Smith (R), Walker, Warren, White, Williams and Willis.

-44

Nay:

Mr. Speaker, Barnes, Biddle, Bryant, Bugg, Burke, Cagle, Carns, Carter,

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Clay, Collins, Dolbare, Escott-Russell, Freeman, Goodwin, Gullatt, Hall, Harper, Hawkins, Hogan, Holladay, Kennedy, Knight, McClain, McDaniel, McDowell, McMillan, Morrow, Newton (D), Parker (P), Payne, Penry, Perdue, Richardson, Rogers (J), Smith (C), Spratt, Thomas and Zoghby.

-39

H. 563 TAKEN UP

And the bill:

To amend Section 11-43-86 of the Code of Alabama 1975, to increase the monthly expense allowance of the mayor of any Class 1 city; and to provide that the expense allowance shall be eligible for certain treatment, both as to the determination of retirement benefits and allowances and to the withholding of required withholding and payments into any pension or retirement system trust fund provided for any retirement benefit system in which the mayor may be entitled to participate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 6.

Yea:

Representatives Barnes, Bugg, Burke, Buskey (JE), Butler, Cagle, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Fuller, Hammett, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, McClain, McDowell, Melton, Mikell, Morrow, Parker (P), Parker (T), Perdue, Rogers (J), Spratt, Venable, Williams and Willis.

-33

Nay:

Representatives Biddle, Carns, Gaines, Payne, Rogers (F) and Sanderson.

- 6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Spratt, the Budget Isolation Resolution relating to the bill, H. 362, was adopted.

Yeas 36; Nays 3.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Bugg, Burke, Buskey (JE), Butler, Cagle, Clark (W), Collins, Cullins, Curry, Dolbare, Escott-Russell, Hammett, Hogan, Holladay, Hooper, Laird, McClain, McDowell, Mikell, Millican, Morton, Newton (D), Parker (P), Parker (T), Perdue, Petelos, Rogers (F), Rogers (J), Smith (C), Spratt, Venable and Willis.

-36

Nay:

Representatives Carns, Payne and Sanderson.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 362. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 3.

Yea:

Mr. Speaker, Barnes, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Flowers, Fuller, Goodwin, Hammett, Hawkins, Hogan, Holladay, Holley, Holmes, McClain, McDowell, Mikell, Newton (D), Parker (P), Parker (T), Perdue, Powell, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Turnham, Venable, Willis and Zoghby.

-37

Nay:

Representatives Carns, Payne and Sanderson.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Buskey (JE) offered the motion to reconsider the vote by which the motion to recess from 5:30 o'clock p.m. until 7:00 o'clock p.m. offered by Representative Layson was adopted, and the motion to reconsider was adopted.

MOTION TO RECESS ADOPTED

The motion offered by Representative Layson that when the hour of 5:30 o'clock p.m. arrives, the House stand in recess until 7:00 o'clock p.m. was again adopted.

Yeas 48; Nays 46.

Yea:

Representatives Anderson, Black (L), Black (M), Bowling, Burke, Carter, Clay, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Gaines, Goodwin, Hall, Hamilton, Haney, Haynes, Higginbotham, Hill, Johnson, Laird, Layson, Letson, Lindsey, McKee, Melton, Mikell, Morrow, Morton, Parker (T), Petelos, Poole, Powell, Rich, Rogers (F), Sanderford, Sanderson, Smith (R), Turnham, Venable, Warren, White, Williams and Willis.

-48

Nay:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Drake, Escott-Russell, Fuller, Gaston, Grayson, Gullatt, Hammett, Harper, Hawkins, Hogan, Holladay, Holley, Kennedy, Kvalheim, Mathis, McClain, McDaniel, McDowell, McMillan, Millican, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Richardson, Rockhold, Rogers (J), Spratt, Starkey, Walker and Zoghby.

-46

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 355, was adopted.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Cagle, Carns, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Grayson, Hamilton, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, McClain, McDaniel, McDowell, McMillan, Mikell, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Turnham, Walker, Willis and Zoghby.

-55

And the bill:

H. 355. Relating to Jefferson County; to provide that each Commissioner of the Jefferson County Commission shall be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out official duties as a commissioner, or a certain expense allowance as reimbursement for the commissioners' use of a personal vehicle and fuel, oil, and repairs for official duties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Bugg, Buskey (JE), Buskey (JL), Butler, Carns, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Harper, Hawkins, Haynes, Holladay, Holley, Hooper, Johnson, Kennedy, McClain, McDaniel, McDowell, McMillan, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Turnham, Walker, Warren, Willis and Zoghby.

-61

BUDGET ISOLATION RESOLUTION

On motion of Representative McDowell, the Budget Isolation Resolution relating to the bill, H. 504, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Fuller, Goodwin, Grayson, Hamilton, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Walker, Warren, Willis and Zoghby.

-62

And the bill:

H. 504. Relating to Jefferson County; to provide that the elected Jefferson County Tax Assessor and the elected Jefferson County Assistant Tax Assessor, Bessemer Division, shall each be entitled to have either an automobile with fuel, oil, and repairs furnished by Jefferson County for use in carrying out their official duties, or a certain expense allowance as reimbursement for their use of a personal vehicle and fuel, oil, and repairs for official duties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Box, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Fuller, Gaines, Goodwin, Grayson, Gullatt, Hamilton, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, McClain, McDaniel, McDowell, McMillan, Mikell, Morton, Newton (D), Parker (P), Parker (T), Payne, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Walker, Warren, Willis and Zoghby.

-61

BUDGET ISOLATION RESOLUTION

On motion of Representative Barnes, the Budget Isolation Resolution relating to the bill, H. 678, was adopted.

Yeas 59; Nays 2.

Yea:

Mr. Speaker, Barnes, Biddle, Black (L), Box, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Fuller, Gaines, Grayson, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Mathis, McClain, McDowell, McMillan, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Venable, Walker, Warren, Willis and Zoghby.

-59

Nay:

Representatives Carns and Payne.

- 2

And the bill:

H. 678. To amend Section 11-52-3 of the Code of Alabama 1975, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yea:

Mr. Speaker, Barnes, Black (L), Box, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Fuller, Gaines, Goodwin, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Mathis, McClain, McDowell, McKee, McMillan, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Spratt, Venable, Walker and Willis.

-56

Nay:

Representatives Carns and Payne.

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 358, was adopted.

Yeas 58; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Fuller, Gaines, Grayson, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, McClain, McDowell, McMillan, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Starkey, Venable, Walker, Willis and Zoghby.

-58

Nay:

Representative Escott-Russell.

- 1

And the bill:

H. 358. (With Amendment): Relating to the City of Birmingham in Jefferson County; to amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended, which act created a retirement and relief system for officers and employees of the City of Birmingham, so as to provide further for participant and city contributions, for benefit increases, cost-of-living increases and related matters.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. 358 on page 3, Section 2, line 4 by striking after the word "shall" the following: ~~not~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 50; Nays 2.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JL), Cagle, Carns, Carothers, Clay, Crow, Cullins, Curry, Fuller, Gaines, Goodwin, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Venable, Walker and Willis.

-50

Nay:

Representatives Barnes and Escott-Russell.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill, H. 358, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Cosby, Crow, Cullins, Curry, Escott-Russell, Fuller, Gaines, Goodwin, Grayson, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Venable, Walker and Willis.

-56

Nay:

Representative Barnes.

- 1

BUDGET ISOLATION RESOLUTION

On motion of Representative Morton, the Budget Isolation Resolution relating to the bill, H. 280, was adopted.

Yeas 54; Nays 1.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Cagle, Carothers, Clay, Collins, Cosby, Crow, Cullins, Escott-Russell, Fuller, Gaines, Goodwin, Grayson, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Venable, Walker and Willis.

-54

Nay:

Representative Curry.

- 1

And the bill:

H. 280. Relating to Jefferson County, providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 8.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Buskey (JE), Buskey (JL), Cagle, Carothers, Clay, Cosby, Crow, Cullins, Escott-Russell, Fuller, Gaston, Goodwin, Hamilton, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Mathis, McClain, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Venable, Walker and Willis.

-49

Nay:

Representatives Barnes, Carns, Curry, Gaines, Kennedy, McDowell, Petelos and Sanderson.

- 8

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Powell and Smith (C):

H.R. 423. COMMENDING JAMES R. PORCH OF SCOTTSBORO, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Hawkins, the Budget Isolation Resolution relating to the bill, H. 820, was adopted.

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Yeas 50; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Box, Buskey (JL), Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Fuller, Gaston, Goodwin, Grayson, Hamilton, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Kennedy, Knight, Kvalheim, Letson, McClain, McDaniel, McKee, Mikell, Morton, Newton (C), Newton (D), Parker (P), Payne, Penry, Perdue, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Venable, Walker and Willis.

-50

Nay:

Representatives Barnes, Curry and McDowell.

- 3

And the bill:

H. 820. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover, in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 5.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Cagle, Clay, Cosby, Crow, Cullins, Fuller, Gaines, Gaston, Goodwin, Hamilton, Hammett, Harper, Harvey, Hawkins, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McDaniel, McKee, Mikell, Morton, Parker (P), Parker (T), Penry, Perdue, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Venable, Walker and Willis.

-40

Nay:

Representatives Barnes, Curry, McDowell, Newton (D) and Payne.

- 5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 867 AGAIN TAKEN UP

And the bill:

H. 867. To alter or rearrange the boundary lines of the City of Vestavia Hills, Jefferson County, Alabama, so as to include within the corporate limits and also certain other territory in Jefferson County, Alabama.

as amended on the twenty-seventh legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 4.

Yea:

Mr. Speaker, Biddle, Black (L), Box, Cagle, Carns, Clay, Collins, Cosby, Crow, Cullins, Fuller, Gaines, Gaston, Goodwin, Grayson, Hamilton, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McDaniel, McKee, Mikell, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Venable, Walker and Willis.

-46

Nay:

Representatives Barnes, Curry, McClain and McDowell.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 842, was adopted.

Yeas 45; Nays 0.

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Yea:

Mr. Speaker, Black (L), Box, Butler, Cagle, Carns, Clay, Collins, Crow, Cullins, Curry, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McClain, McDaniel, McDowell, McKee, Mikell, Morton, Parker (P), Parker (T), Payne, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Walker and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 842. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Homewood, in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 1.

Yea:

Mr. Speaker, Black (L), Box, Butler, Cagle, Carns, Clay, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McClain, McDaniel, McDowell, McKee, Mikell, Morton, Newton (C), Parker (P), Payne, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Venable, Walker and Willis.

-45

Nay:

Representative Barnes.

-1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Gaines, the Budget Isolation Resolution relating to the bill, H. 843, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McClain, McDaniel, McDowell, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Venable, Walker and Willis.

-49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 843. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Homewood in Jefferson County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 1.

Yea:

Mr. Speaker, Black (L), Box, Cagle, Carns, Clay, Crow, Curry, Fuller,

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Gaines, Gaston, Goodwin, Hamilton, Hammett, Harper, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Knight, Kvalheim, McClain, McDaniel, McDowell, McKee, Morton, Newton (C), Payne, Petelos, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Venable, Walker and Willis.

-41

Nay:

Representative Barnes.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION

On motion of Representative Butler, the Budget Isolation Resolution relating to the bill, H. 868, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 868. (With Substitute): To appropriate funds from the State Employees Liability Insurance Fund to the Department of Veterans Affairs for construction of new Veterans Homes and to provide for reimbursement of such funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To encourage the Department of Finance, Division of Risk Management, to cooperate in every way legally permissible with the Department of Veterans Affairs in the construction of new veterans nursing homes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature has found (1) a significant need for health, nursing, medical, rehabilitative and related housing structures for veterans; (2) the Department of Veterans Affairs is the state agency responsible for establishing veterans' homes; (3) the Department of Veterans Affairs expects to need as much as \$5,500,000 in funding from the state, in addition to funding from federal and other sources, to undertake construction of veterans' homes; (4) the Division of Risk Management of the Department of Finance manages trust funds which can be invested in the construction of veterans' homes; and (5) the Division of Risk Management has expressed willingness to undertake such an investment as such an investment, yielding a fair and reasonable return, would be a prudent and beneficial investment for said trust funds while allowing the Department of Veterans Affairs to fulfill its mission on behalf of Alabama's veterans.

Section 2. The Department of Finance, Division of Risk Management, is encouraged to cooperate in every way legally permissible with the Department of Veterans Affairs in the construction of veterans' homes by investing the resources of the various trust funds managed by the Division toward that end.

Section 3. The Department of Veterans Affairs is hereby authorized to receive public or private gifts, grants or donations for the purpose of matching federal funds in order to construct the new veterans nursing homes. In the event such gifts, grants, or donations are received by the Department of Veterans Affairs, these amounts shall be transferred to the State Department of Finance, Division of Risk Management for the repayment of such investments.

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Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 97; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zogby.

-97

And the bill:

H. 868. To encourage the Department of Finance, Division of Risk Management, to cooperate in every way legally permissible with the Department of Veterans Affairs in the construction of new veterans nursing homes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey,

Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

Representatives Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby were added as co-sponsors to the bill, H. 868.

BUDGET ISOLATION RESOLUTION

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 874, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R),

Spratt, Starkey, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 874. (With Substitute): To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of the Legislature.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Industrial Development and Economic Growth, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of a certificate of need by the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Notwithstanding any law to the contrary, one nursing home in north Alabama and one in south Alabama that are operated through the Alabama Department of Veterans' Affairs shall be exempt from the certificate of need process as required by Article 9 (commencing with Section 22-21-260), Chapter 21, Title 22, Code of Alabama 1975.

(b) After the effective date of this act, any nursing home that is to be operated through the Alabama Department of Veterans' Affairs shall receive approval of a certificate of need by the Legislature prior to operation.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative McMillan offered the following amendment to the bill, H. 874, as amended:

On page 2, after line 6, insert the following language:

(c) The two nursing homes provided exemptions are regional facilities which will serve more than a single county and will serve a specific group of the general population of the state. These regional facilities shall not be considered in the State Health Planning and Development Agency nursing home bed allocation for the counties in which they are located.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Butler, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson,

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Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 874. To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of a certificate of need by the Legislature.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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CO-SPONSORS ADDED

Representatives Barnes, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee,

McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby were added as co-sponsors to the bill, H. 874.

BUDGET ISOLATION RESOLUTION

On motion of Representative Harper, the Budget Isolation Resolution relating to the bill, H. 772, was adopted.

Yeas 55; Nays 36.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bowling, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Ford, Freeman, Fuller, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Letson, Lindsey, McClain, McDowell, Melton, Millican, Newton (D), Parker (P), Penry, Perdue, Powell, Rogers (F), Rogers (J), Smith (C), Spratt, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representatives Beasley, Biddle, Burke, Carns, Carothers, Curry, Drake, Flowers, Gaines, Gaston, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holley, Knight, Kvalheim, Layson, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Sanderford, Sanderson, Smith (R), Turnham and Venable.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 874. To exempt one nursing home in north Alabama and one in south Alabama operated through the Alabama Department of Veterans' Affairs from the

certificate of need process; and to prohibit the operation of any nursing home operated through the Alabama Department of Veterans' Affairs without prior approval of a certificate of need by the Legislature.

TOMMY CARTER
Chairman

And the bill, H. 874, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 868. To encourage the Department of Finance, Division of Risk Management, to cooperate in every way legally permissible with the Department of Veterans Affairs in the construction of new veterans nursing homes.

TOMMY CARTER
Chairman

And the bill, H. 868, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 373. COMMENDING CHARLES LARIMORE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

Also:

H.J.R. 374. COMMENDING THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA, ON OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 376. DESIGNATING THURSDAY, MAY 7, 1992, AS ALABAMA DAY OF PRAYER.

Also:

H.J.R. 382. COMMENDING MR. LEROY BANDY OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

H.J.R. 385. COMMENDING THE ALABAMA SCHOOL FOR THE BLIND REDSKIN WRESTLING TEAM.

Also:

H.J.R. 386. COMMENDING THE ALABAMA SCHOOL FOR THE DEAF SILENT WARRIOR VARSITY FOOTBALL TEAM.

Also:

H.J.R. 388. CONGRATULATING SYLACAUGA LADY AGGIES GIRL'S BASKETBALL TEAM ON THE 1992 STATE 5-A CHAMPIONSHIP.

Also:

H.J.R. 392. RELATIVE TO MEETING DAYS

Also:

H.J.R. 395. COMMENDING R. W. "RONNY" DONALDSON FOR HIS CARING CONCERN FOR HIS COMMUNITY AND STATE.

Also:

H.J.R. 396. COMMENDING THE TONEY HISTORICAL SOCIETY OF TONEY, ALABAMA.

Also:

H.J.R. 398. COMMENDING BRIAN ROGERS FOR HIS PARTICIPATION WITH THE WHEELER RIFLES DRILL TEAM OF FLORENCE, ALABAMA.

Also:

H.J.R. 400. COMMENDING CALLIE WALDROP ON HER ELECTION AS PRESIDENT OF A.E.A.

Also:

H.J.R. 402. COMMENDING ALABAMA'S RETAIL STORE CLERKS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 790. (a) To create and establish in the City of Dothan a civil service system effecting certain personnel whose compensation is now or may hereafter be payable, in full or in part, from the public funds of Dothan; (b) to create a personnel department consisting of a citizens supervisory committee, a personnel board, and a personnel director, for the supervision and administration of the system and department herein created; (c) to fix and define the powers and authority and to prescribe the duties of each; (d) to define the scope and extent of the operation of the system, of its powers and authority over the City of Dothan and its employees; (e) to provide for the payment of the expenses of the administration of this act and the system and department created; (f) to provide for the adoption of reasonable rules and regulations; (g) to provide for the enforcement of the provisions of this act and the rules and regulations adopted pursuant thereto and to provide penalties for their violation; (h) to authorize the discharge and suspension of employees; and (i) to repeal all laws and parts of laws and all ordinances and parts of ordinances in conflict with its provisions.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 438. To amend Sections 2, 3, and 5 of Act No. 91-667, S. 432, Regular Session 1991, (now appearing in Chapter 2A, Title 4, Code of Alabama 1975), providing for the organization of a public corporation to be known as the Alabama International Airport Authority, to further provide for the incorporation and members of the authority.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 392. Relating to certain fishing licenses of the Department of Conservation and Natural Resources; to require a "saltwater fishing license" for certain persons fishing below a certain defined line and authorize the costs and fees

associated therewith; to provide for certain exceptions; to amend Section 9-11-53, Code of Alabama 1975, relating to a certain freshwater fishing license, so as to further describe where it shall be required and increase the cost thereof; to delete certain provisions relating to distribution of certain license fees to the Marine Resources Division; to further prescribe certain penalties; and to provide for the sale of both licenses on a combination basis; and to provide for a reciprocal agreement between the State of Alabama Department of Conservation and Natural Resources and the State of Florida exempting persons 65 years of age or older from fishing and hunting license requirements.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 153. To make coverage of certain legislative employees by the state employees' retirement system and health insurance plan optional at the discretion of the employee and to amend Section 36-27-50, Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of

which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 508. To provide further for certain sales and use tax exemptions; to amend Sections 40-23-1 and 40-23-4, Code of Alabama 1975; and to provide for a retroactive effective date.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 4. To amend Section 41-19-7 of the Code of Alabama 1975, relating to the presentation of the proposed budget by the Governor.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 524. Relating to the sheriff's compensation and expense allowances paid, in good faith, by the Tuscaloosa County commission or other county officer pursuant to Act Numbers 79-719 and 79-720 of the 1979 Regular Session (Acts 1979, p. 1274), which acts provided for such expense allowances; ratifying, validating and confirming the actions of the county commission and any other county officer retroactively to August 8, 1979, and continuing thereafter; relieving any liability for repayment by such officials; providing that the provisions of this act shall be construed in pari materia with any other laws relating to compensation or expense allowances or salary for the sheriff and specifically with the provisions of Act No. 87-454, S. 570 of the 1987 Regular Session (Act 1987, p. 683).

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 5. FORBIDDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FROM POSTING "NO SKIING" SIGNS ON FOWL RIVER IN MOBILE COUNTY.

Also:

S.J.R. 17. RATIFYING THE ORIGINAL PROPOSED SECOND AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, DEFERRING CHANGES IN COMPENSATION TO MEMBERS OF THE UNITED STATES CONGRESS UNTIL AFTER THE NEXT ENSUING BIENNIAL ELECTION.

Also:

S.J.R. 127. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE STATE HEALTH PLAN.

Also:

S.J.R. 140. COMMENDING THE TUSKEGEE AIRMEN FOR EXTRAORDINARY AND DISTINGUISHED SERVICE.

Also:

S.J.R. 141. COMMENDING WYMAN TOWNSEL, COACH OF THE ETOWAH HIGH SCHOOL FOOTBALL TEAM.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RECESS

The hour of 5:30 o'clock p.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until 7:00 o'clock p.m.

HOUSE RECONVENED

The hour of 7:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

H. 772 TAKEN UP

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Escott-Russell intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 772.

And the bill:

H. 772. (With Substitute): To authorize Alabama Public School and College Authority to sell and issue thirty-five million dollars (\$35,000,000.00) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education and including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefore; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

To authorize Alabama Public School and College Authority to sell and issue thirty-six million dollars (\$36,000,000.00) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education and including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefore; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will

not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Harper offered the following substitute to the committee substitute reported by the Standing Committee on Ways and Means to the bill, H. 772:

A BILL TO BE ENTITLED AN ACT

To authorize Alabama Public School and College Authority to sell and issue thirty-six million dollars (\$36,000,000.00) (plus underwriting discount, costs of issuance and Certain Litigation Settlement Expenses) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of Certain Litigation Settlement Expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the

expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Definitions. Wherever used in this Act, the following terms shall have the following meaning respectively, unless the context clearly indicates otherwise:

"1965 Act" means Act No. 243 enacted at the 1965 First Special Session of the Legislature, codified as Title 16, Chapter 16, Code of Alabama 1975.

"1971 Acts" means Act No. 94 enacted at the 1971 First Special Session of the Legislature, Act No. 2428 enacted at the 1971 Regular Session of the Legislature, and Act No. 56 enacted at the 1971 Second Special Session of the Legislature.

"1973 Act" means Act No. 1277 enacted at the 1973 Regular Session of the Legislature as amended by Act No. 73 enacted at the 1975 Third Special Session of the Legislature and Act No. 1223 enacted at the 1975 Regular Session of the Legislature.

"1978 Act" means Act No. 138 enacted at the 1978 Second Special Session of the Legislature, as amended by Act No. 79-41 enacted at the 1979 Organizational Session of the Legislature and Act No. 81-827 enacted at the 1981 Regular Session of the Legislature.

"1985 Act" means Act No. 943 enacted at the 1985 Second Special Session of the Legislature.

"1990 Act" means Act No. 280 enacted at the 1990 Regular Session of the Legislature.

"Authority" means Alabama Public School and College Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act) means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, physical education facilities, research facilities, related campus improvements and land as sites therefor,

together with fixed equipment therefor and including the cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections therefor. For the purposes of this Act, the term "Capital Improvement" does not include textbooks, office supplies, or school supplies used by the educational institutions referred to in Section 2 of this Act, or any of their personnel or students.

"Certain Litigation Settlement Expenses" means court costs and attorneys fees and expenses of attorneys for all plaintiffs other than the United States of America required to be paid by Alabama State University and Alabama A&M University under the consent settlement referred to in Section 9 of this Act.

"Government Securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent such obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in such obligations of, or unconditionally guaranteed by, the United States of America or in specified portions thereof (which may consist of the principal thereof or the interest thereon).

"Legislature" means the Legislature of Alabama.

"Permitted Investments" means (i) Government Securities; (ii) bonds, debentures, notes or other evidences of indebtedness issued by any of the following agencies: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Financing Bank; Federal Home Loan Banks; Federal Farm Credit Bank; Export-Import Bank of the United States; Federal Land Banks, or Farmers Home Administration or any other agency or corporation which has been or may hereafter be created by or pursuant to an act of the Congress of the United States as an agency or instrumentality thereof; (iii) bonds, notes, pass through securities or other evidences of indebtedness of Government National Mortgage Association and participation certificates of Federal Home Loan Mortgage Corporation; (iv) full faith and credit obligations of any state, provided that at the time of purchase such obligations are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service; (v) public housing bonds issued by public agencies or municipalities and fully secured as to the payment of both principal and interest by contracts with the United States of America, or temporary notes, preliminary notes or project notes issued by public agencies or municipalities, in each case fully secured as to the payment of both principal and interest by a requisition or payment agreement with the United States of America; (vi) time deposits evidenced by certificates of deposit issued by banks or savings and loan associations which are members of the Federal Deposit Insurance Corporation, provided that, to the extent such time deposits are not covered by federal deposit insurance, such time deposits (including interest thereon) are fully secured by a pledge of obligations described in clauses (i), (ii), (iii), and (v) above, which at all times have a market value (exclusive of accrued interest) not less than the amount

of such bank time deposits required to be so secured and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings, (vii) repurchase agreements for obligations of the type specified in clauses (i), (ii), (iii), and (v) above, provided such repurchase agreements are fully collateralized and secured by such obligations which have a market value (exclusive of accrued interest) at least equal to the purchase price of such repurchase agreements which are held by a depository satisfactory to the State Treasurer in such manner as may be required to provide a perfected security interest in such obligations, and which meet the greater of 100% collateralization or the "AA" collateral levels established by Standard & Poor's Corporation for structured financings; and (viii) uncollateralized investment agreements with, or certificates of deposit issued by, banks or bank holding companies, the senior long-term securities of which are rated at least "AA" by Standard & Poor's Corporation and at least "Aa" by Moody's Investors Service.

"Refunding Bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. For the purposes of paying the costs of Capital Improvements for Alabama State University and Alabama A & M University, costs of issuance, and paying for Certain Litigation Settlement Expenses, the Authority is hereby authorized and empowered, in accordance with the priorities specified in this Act, to issue and sell from time to time its Bonds, which Bonds may be in the form of interest-bearing bonds or non-interest bearing bonds. Other than refunding bonds, the aggregate principal amount of Bonds issued under this Act shall not exceed Thirty Six Million Dollars (\$36,000,000); provided, however, that, if the Authority determines that the total net amount of Bond proceeds available to provide funds for paying the costs of Capital Improvements for Alabama State University and Alabama A & M University (after the payment of underwriting discount, other issuance expenses and Certain Litigation Settlement Expenses) will be less than Thirty Six Million Dollars (\$36,000,000), the aggregate principal amount of bonds issued under this Act may be increased by the Authority to such amount as will permit the Authority to receive such net Bond proceeds thereon (after the payment of underwriting discount, other issuance expenses and Certain Litigation Settlement Expenses) totaling Thirty Six Million Dollars (\$36,000,000). The determination of the estimated issuance expenses, underwriting discount and Certain Litigation Settlement Expenses necessary to calculate the additional principal amount of Bonds, (if any) to be issued under this section shall be made to the Authority. The Bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds previously authorized to be issued by it, and the powers conferred on the Authority by this Act are in addition to all other powers heretofore conferred on the Authority by acts heretofore enacted by the Legislature.

Section 3. Execution and Other Details of the Bonds. The Bonds shall be signed by the president or vice-president of the Authority, and the seal of the corporation shall be affixed thereto (or a facsimile thereof imprinted thereon) and attested by its secretary. All signatures of the president, vice-president, and secretary may be facsimile signatures if the Authority, in its proceedings with respect to issuance, provides for manual authentication (which may be in the form of a certificate as to registration) of the Bonds by a trustee, registrar or paying agent or by named individuals who are employees of the State and who are assigned to the Finance Department or State Treasurer's Office of the State. All Bonds bearing signatures or facsimiles of the signatures of officers of the Authority in office on the date of signing thereof shall be valid and binding notwithstanding that before the delivery thereof and payment therefor, any officer whose signature appears thereon shall have ceased to be an officer of the Authority. The Bonds and the income therefrom shall be exempt from all taxation in the State, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, as provided in the 1965 Act. The Bonds shall be construed to have all the qualities and incidents of negotiable instruments subject to any registration provisions pertaining to transfers. The Authority and the Bonds shall be exempt from all laws of the State governing usury including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import. The Bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the Authority under which the Bonds may be issued; provided, that no Bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those Bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued. For the purpose of paying the principal of, premium, if any, and interest on the Bonds or any Refunding Bonds, the Authority shall designate such bank or banks within or without the State as it, in its discretion, determines to be appropriate and desirable. Funds for the payment of debt service shall be transferred by the Authority or the State Treasurer on behalf of the Authority to the designated paying agent bank or banks on the actual due date of such principal, premium, if any, or interest.

Section 4. Sale of the Bonds. The Bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the Authority with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. The Authority, in the course of establishing, by resolution, a principal amount of Bonds to be authorized for sale at any given time, or to be sold in any series, may take into account the existence of any unexpended proceeds or prior

issues of bonds of the Authority (and of any other issuer, if such should be deemed by the Authority to be relevant), and may structure the portions of the allocations (provided for in Section 8 of this Act) to be distributed from the proceeds of a particular series (constituting less than all the Bonds authorized by this Act) as the Authority deems necessary or prudent in order to enable the Authority to comply with any tax covenants that may be required of it, or that may be deemed by it to be prudent to be given by it, in connection with sale of any series of the Bonds. Each series of the Bonds may be sold at either public or private sale and at such price or prices and at such time or times as the Authority may consider advantageous. Bonds sold by competitive bid must be sold, whether on sealed bids or at public auction, to the bidder whose bid reflects the lowest effective borrowing cost to the Authority on the series of the Bonds being sold; provided, that if no bid acceptable to the Authority is received it may reject all bids. Notice of each such sale by competitive bids shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale or, in the event no bid acceptable to the Authority is received at any such sale and the Bonds so offered are thereafter reoffered on the same terms and conditions, not less than five days prior to the date fixed for sale. The Authority may fix the terms and conditions under which the sale of any series of the bonds may be held; provided, that the terms and conditions shall not conflict with any requirements of this Act. Approval by the Governor of Alabama of the terms and conditions under which any Bonds may be issued shall be requisite to their validity. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the Bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of, premium, if any, and interest on the Bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to those purposes, and hereby appropriated, the amount that may be necessary for those purposes from the following sources:

(a) The residue of the receipts from the excise tax ("the utilities gross receipts tax") levied by Title 40, Chapter 21, Article 3, Code of Alabama 1975, as amended ("Article 3"), remaining after payment of the expenses of administration and enforcement of Article 3, being that portion of the tax that is required by Article 3 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(b) The residue of the receipts from the excise tax ("the utilities gross receipts tax") levied by Title 40, Chapter 21, Article 4, Code of Alabama 1975 ("Article 4"), remaining after payment of the expenses of administration and enforcement of Article 4, being that portion of the tax that is required by Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(c) The residue of the receipts from the license tax ("the lease tax") levied on those engaging in the business of leasing or renting tangible personal property levied by Title 40, Chapter 12, Article 4, Code of Alabama 1975 ("Chapter 12, Article 4"), remaining after payment of the expenses of administration and enforcement of Chapter 12, Article 4, being that portion of the tax that is required by Chapter 12, Article 4 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund, after there shall have been taken from the residue the amount necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds, the residue of the receipts from the excise tax ("the sales tax") levied by Title 40, Chapter 23, Article 1, Division 1, Code of Alabama 1975, as amended ("Article 1"), after there shall have been taken from the residue the amounts appropriated for other educational purposes in Section 40-23-35, Code of Alabama 1975 (which residue constitutes that portion of the receipts from the sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue amounts sufficient to meet all prior charges on the residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those bonds issued by the Authority under the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act or the 1990 Act that may be outstanding at the time of the delivery of the respective series of the Bonds authorized herein; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this Section may not be sufficient to pay at their respective maturities the principal of, premium, if any, and the interest on the Bonds, the residue of the receipts from the excise tax ("the use tax") levied by Title 40, Chapter 23, Article 2, Code of Alabama 1975, as amended ("Article 2"), after there shall have been taken from the residue the amount necessary to meet the expenses of the State Department of Revenue in collecting the use tax

(which residue constitutes that portion of the receipts from the use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the residue such amounts as may be necessary to meet all prior charges on the use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in subsection (d) of this Section.

All monies hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of, premium, if any, and interest on the Bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of, premium, if any, and interest on the Bonds out of this fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the Bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely out of the Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. The Bonds shall not be general obligations of the Authority but shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All Bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the State. As security for the payment of the principal of, premium, if any, and interest on the Bonds, the Authority is hereby authorized and empowered to pledge the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for such purposes. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing the pledges. All such pledges shall be prior and superior to any pledges that may be made for any refunding bonds hereafter issued by the Authority under the provisions of any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or any other act heretofore enacted.

Section 7. Refunding Bonds. For the purpose of refunding any Bonds or Refunding Bonds of the Authority issued under the provisions of this Act, the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or any other act previously enacted, or any combination thereof, whether the refunding shall occur before, at or after the maturity of the bonds refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the Refunding Bonds, fiscal agents' fees, and accountants' fees), the Authority is hereby authorized to sell and issue its Refunding Bonds. Such Refunding Bonds may be sold and issued from time to time, at either public or private sale, and on such other terms and conditions as the Authority shall determine to be advantageous and shall adopt and provide for in its proceedings for the sale and issuance of such Refunding Bonds. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of, premium, if any, and interest on the Refunding Bonds issued under this Act, the Authority is hereby authorized to pledge irrevocably for

such purpose, and there is hereby appropriated for such purpose, such amount as may be necessary of the residues of the receipts from the excise taxes pledged and appropriated in subsections (a), (b), (c), (d), and (e) of Section 5 of this Act, any reserves or sinking funds established by the Authority, as well as revenues of the Authority from any other sources specified in the proceedings wherein the Refunding Bonds are authorized to be issued. Pending the application of the proceeds of Refunding Bonds issued in accordance with this Section, the proceeds, together with investment earnings therefrom, and amounts in any sinking fund, together with investment earnings thereon, may be held by the State Treasurer as treasurer of the Authority in trust, or may be deposited by the State Treasurer in trust, on such terms as the State Treasurer and the Authority shall approve, with a trustee or escrow agent, which trustee or escrow agent shall be a banking institution or trust company authorized to exercise trust powers in Alabama, for investment in Permitted Investments. Proceeds of Refunding Bonds shall be so invested and applied as to assure that the principal, interest, and redemption premium, if any, on the Bonds being refunded shall be paid in full on the respective maturity, redemption, or interest payment dates. Refunding Bonds issued by the Authority shall not be general obligations of the Authority but shall be payable solely from the sources specified in this Act and in the proceedings where the Refunding Bonds are authorized to be issued. All Refunding Bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create debts of the State of Alabama. The faith and credit of the State of Alabama shall never be pledged for the payment of any Refunding Bonds issued by the Authority under this Act. The Authority may contract with respect to the safekeeping and application of the Refunding Bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the State. All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of Bonds that may be issued under this Act and (b) the provisions of Section 8 of this Act. All pledges made by this Act or by the Authority pursuant to the provisions of this Act, for the benefit of Refunding Bonds issued under this Act, and all such pledges for the benefit of refunding bonds which may be issued to refund any bonds issued under any of the 1965 Act, the 1971 Acts, the 1973 Act, the 1978 Act, the 1985 Act, the 1990 Act or this Act, shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds whether issued under this Act or under any other act. Bonds refunded prior to their maturity with the proceeds of Refunding Bonds shall be defeased if the Authority, in its proceedings regarding issuance of the Refunding Bonds provides for and establishes a trust or escrow fund comprised of monies or Government Securities, or both, sufficient to pay, when due, the entire principal of, premium, if any, and interest on the refunded bonds; provided, that such Government Securities shall not be subject to redemption prior to their maturities other than at the option of the holder thereof. Upon the establishment of such a trust or escrow fund, the refunded bonds shall no longer be deemed to be outstanding, shall no longer be secured by the funds pledged therefor in Section 5 of this Act, shall no longer be obligations of the Authority and

shall be secured solely by and payable from monies and Government Securities deposited in such trust or escrow fund; provided, however, that no refunding bonds shall be issued unless the present value of all debt service on the refunding bonds (computed with a discount rate equal to the true interest rate of the refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 95% of the present value of all debt service on the bonds to be refunded (computed using the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such bonds) determined as if such bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance. Provided further that the average maturity of the refunding bonds, as measured from the date of issuance of such refunding bonds, shall not exceed by more than three years the average maturity of the bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of bonds for which the average maturity is to be determined.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the Bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof and Certain Litigation Settlement Expenses. The proceeds from the sale of the Bonds remaining after payment of the expenses of issuance thereof and Certain Litigation Settlement Expenses shall be retained in the fund and, until they are paid out, shall be invested by the State Treasurer at the direction of the Authority in Permitted Investments which mature at such time or times as the Authority shall direct. Monies in the fund (whether original proceeds from the sale of the Bonds or proceeds of matured Permitted Investments or any interest earned on such proceeds) shall be paid out from time to time in orders or warrants issued by or on the direction of the Authority for the purposes specified in Section 2 of this Act, and such monies shall be allocated and expended by the Authority, subject to all the provisions of this Act, for capital improvements for Alabama State University and Alabama A&M University to satisfy the federal court judgment rendered in *Knight v. State of Alabama* (CV-83-M-1676-S) in the amounts set out as follows:

- (a) Sixteen Million Dollars (\$16,000,000) to the Board of Trustees of Alabama A&M University for Capital Improvements;
- (b) Twenty Million Dollars (\$20,000,000) to the Board of Trustees of Alabama State University for Capital Improvements.

Notwithstanding any of the foregoing and in addition to all powers heretofore granted to the Authority, the Authority is hereby expressly authorized to use the

proceeds or income derived from the sale of bonds in accordance with the provisions of Section 2 of this Act. Each building constructed wholly or in part with any portion of the proceeds of the Bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the State Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisor services shall be construed to constitute construction costs. The Authority may compensate the Technical Staff of the State Building Commission, from the proceeds of the Bonds, for its services in connection with its approval of plans and specifications pertaining to any Capital Improvements that are to be paid for, in whole or in part, from proceeds of the Bonds. The cost of such compensation shall be prorated among the recipients of any of the bond proceeds or any interest thereof in the same manner as the expenses of issuance are prorated in this section.

Section 9. Settlement of Knight v. State of Alabama. Notwithstanding any other provision of this Act, the bonds authorized hereunder may not be issued or sold, nor may proceeds be distributed therefrom, unless and until each of the following conditions is met:

(a) A consent settlement, in whole or in part, of Knight v. State of Alabama, CV-83-M-1676-S, United District Court for the Northern District of Alabama, must be reached by all of the following:

i. The State of Alabama, the Governor, the Alabama

Commission on Higher Education, the Alabama Public

School and College Authority, and the State Finance

Director (the "State Defendants"); and

ii. The Board of Trustees of Alabama State University; and

iii. The Board of Trustees of Alabama A & M University; and,

(b) The court having jurisdiction over Knight v. State of Alabama must approve the settlement required by subparagraph (a) of this Section 9.

Section 10. Maintain Federal Tax Exempt Status. The Authority shall have the power to make such payments to the United States of America as the directors deem necessary to cause the interest on any bonds of the Authority to be and remain exempt from federal income taxation. The Authority shall have the power to make agreements respecting the investment of funds of the Authority necessary in order that the interest income on bonds of the Authority be and remain exempt from federal income taxation.

Section 11. Severability. In the event any section, sentence, clause or

provision of this Act shall be declared invalid by a court of competent jurisdiction, that action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 12: Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO CARRY OVER TABLED

On motion of Representative Harper, the motion offered by Representative Sanderson to carry over the bill, H. 772, and the pending substitutes to the thirtieth legislative day, was tabled.

Yeas 47; Nays 35.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holmes, Hooper, Johnson, Kennedy, McClain, McDaniel, McDowell, Melton, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Walker, Warren, White, Willis and Zoghby.

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Nay:

Representatives Beasley, Biddle, Burke, Butler, Carns, Cosby, Gaines, Gaston, Hamilton, Haney, Hawkins, Hill, Holley, Knight, Kvalheim, Laird, Layson, Lindsey, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Venable and Williams.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 115. To make an appropriation from the General Fund to the Legislative Reference Service for the fiscal year ending September 30, 1992.

Also:

H. 189. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 190. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 192. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 205. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 210. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 215. To make an appropriation from the State General Fund to the Council for Parenting and Protecting Children for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 216. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1993 and to require an operations plan prior to release of any funds.

Also:

H. 220. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to the release of any funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 195. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

H. 772 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Representative Harper to the committee substitute to the bill, H. 772, and the substitute offered by Representative Harper was adopted.

Yeas 59; Nays 26.

Yea:

Mr. Speaker, Barnes, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Grayson, Gullatt, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holmes, Hooper, Johnson, Kennedy, Laird, Layson, Lindsey, McClain, McDowell, Melton, Morrow, Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Walker, Warren, White, Williams, Willis and Zoghby.

Nay:

Representatives Biddle, Butler, Carns, Gaston, Hamilton, Haney, Hawkins, Hill, Holladay, Holley, Knight, Kvalheim, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Richardson, Rockhold, Sanderford, Sanderson, Smith (R) and Venable.

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AMENDMENT OFFERED

Representative Venable offered the following amendment #1 to the bill, H. 772, as amended:

Amend House Bill 772 as substituted on page 19, after line 13 following section "iii" by adding:

- "iv. The Board of Trustees of the University of Alabama System; and
- v. The Board of Trustees of the Auburn University System; and
- vi. The Board of Trustees of the Troy State University System; and
- vii. The Knight Intervenors and the Normalites."

MOTION TO TABLE LOST

The motion offered by Representative Harper to table the amendment #1 offered by Representative Venable to the bill, H. 772, as amended, was lost.

Yeas 39; Nays 52.

Yea:

Mr. Speaker, Barnes, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Dolbare, Escott-Russell, Freeman, Fuller, Grayson, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holmes, Kennedy, McClain, McDowell, Melton, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Spratt, Warren, White and Zoghby.

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Nay:

Representatives Beasley, Biddle, Black (M), Bowling, Box, Burke, Butler, Carns, Carothers, Cosby, Crow, Curry, Flowers, Ford, Gaines, Gaston, Gullatt,

Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Poole, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham, Venable, Williams and Willis.

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AMENDMENT TABLED

The question was then on the adoption of the amendment #1 offered by Representative Venable to the bill, H. 772, as amended, and on motion of Representative Parker (P), the amendment #1 was tabled.

Yeas 48; Nays 47.

Yea:

Mr. Speaker, Barnes, Black (L), Black (M), Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Freeman, Fuller, Grayson, Hammett, Harper, Harvey, Haynes, Hogan, Holmes, Johnson, Kennedy, Letson, Lindsey, McClain, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Thomas, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Beasley, Biddle, Blakeney, Bowling, Box, Butler, Carns, Carothers, Cosby, Curry, Flowers, Ford, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (R), Starkey, Turnham and Venable.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 115. To make an appropriation from the General Fund to the Legislative Reference Service for the fiscal year ending September 30, 1992.

Also:

H. 189. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 190. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 192. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 205. To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 210. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

H. 215. To make an appropriation from the State General Fund to the Council for Parenting and Protecting Children for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

Also:

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H. 216. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1993 and to require an operations plan prior to release of any funds.

Also:

H. 220. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to the release of any funds.

Also:

H. 195. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1993 and to require an operations plan and an audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 722 RESUMED

AMENDMENT OFFERED

Representative Venable offered the following amendment #2 to the bill, H. 772, as amended:

To amend H. 772 as substituted on page 4, line 30 after the period by adding the following: "The capital improvements, as defined herein, mean improvements at Alabama State and Alabama A & M Universities only."

Further amend the bill on page 18 after line 26 by adding the following: "It is the intent of the Legislature that the bond proceeds used for capital improvements may be used at Alabama State University and Alabama A & M University only."

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 87; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Barnes, McDowell and Newton (D).

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AMENDMENT OFFERED

Representative Parker (T) offered the following amendment #1 to the bill, H. 772, as amended:

Amend the Floor Substitute to House Bill 772 at Section 9(a) on page 19 at line #18 following the word "settlement," by striking the following: "in whole or in part," and replacing it in its entirety with the following: "in its entirety,".

AMENDMENT TABLED

On motion of Representative Harper, the amendment #1 offered by Representative Parker (T) to the bill, H. 772, as amended, was tabled.

Yeas 48; Nays 44.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Grayson, Hall, Hammett, Harper, Haynes, Hogan, Holmes, Johnson, Kennedy, Letson, McClain, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Beasley, Biddle, Bowling, Box, Burke, Butler, Carns, Carothers, Cosby, Curry, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holley, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Turnham and Venable.

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AMENDMENT OFFERED

Representative Parker (T) offered the following amendment #2 to the bill, H. 772, as amended:

Amend Floor Substitute to House Bill 772 at Section 9(a) on page 19 at line 29 following section "iii" by adding the following:

- "iv. The Board of Trustees of the University of Alabama System; and,
- v. The Board of Trustees of the Auburn University System; and,
- vi. The Knight Intervenors; and,"

AMENDMENT TABLED

On motion of Representative Kennedy, the amendment #2 offered by Representative Parker (T) to the bill, H. 772, as amended, was tabled.

Yeas 48; Nays 45.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Bryant, Bugg,

Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Grayson, Hall, Hammett, Harper, Haynes, Hogan, Holmes, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Newton (D), Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Warren, White and Zoghby.

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Nay:

Representatives Beasley, Biddle, Blakeney, Bowling, Box, Butler, Carns, Carothers, Cosby, Curry, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Holley, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turnham, Venable and Willis.

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AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, H. 772, as amended:

On page 10, delete lines 11 through 14 in their entirety and insert in lieu: with sale of any series of the Bonds. Bonds shall be sold by competitive bid and shall be

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

H. 772. To authorize Alabama Public School and College Authority to sell and issue thirty-six million dollars (\$36,000,000.00) (plus underwriting discount, costs of issuance and Certain Litigation Settlement Expenses) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections therefor and further including the cost of Certain Litigation Settlement Expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 43.

Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Campbell, Carter, Clark (W), Clay, Collins, Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Grayson, Hall, Hammett, Harper, Harvey, Haynes, Hogan, Holmes, Hooper, Johnson, Kennedy, Letson, Mathis, McClain, McDowell, Melton, Millican, Morrow, Parker (P), Perdue, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Walker, Warren, White, Williams, Willis and Zoghby.

Nay:

Representatives Beasley, Biddle, Bowling, Burke, Butler, Carns, Carothers, Cosby, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Holley, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Turnham and Venable.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Newton (D) abstained from voting on the bill, H. 772, due to a possible conflict of interest.

RESOLUTION

The following resolution was introduced:

By Representative Carter:

H.J.R. 424. COMMENDING ALABAMA'S TEACHER OF THE YEAR, JOE MICHEAL JONES OF ELKMONT, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Joe Micheal Jones of Elkmont, Alabama, on his selection as Alabama's Teacher of the Year, a prestigious recognition by the State of Department of Education from a field of 40,769 teachers throughout the state; and

WHEREAS, also Alabama Secondary Teacher of the Year, Mr. Jones is a gifted-student instructor at Athens Middle School whose professional dedication and efforts reflect his unswerving commitment to helping young students strive to their highest potential of achievement and responsibility; and

WHEREAS, Mr. Jones, a graduate of Elkmont High School, holds a degree from Calhoun Community College, a bachelor's degree from Auburn University, a master's degree from the University of Alabama, and is currently pursuing his doctorate from Middle Tennessee State University; he is a former teacher with the Huntsville school system where he initiated that city's first advanced academic program for gifted children at Whitesburg Middle School, and taught with the Limestone County school system before joining the Athens system; and

WHEREAS, Joe Micheal Jones, also a part-time instructor at Calhoun

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College, is an exemplary educator who is firm in the belief that his is the most important profession in the world, and is one who endeavors unceasingly to impact favorably upon today's young students who are our state's leaders of tomorrow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby commend Joe Micheal Jones, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 424, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Thomas intended to vote "Yea" on passage of the bill, H. 772.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 675, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-81

And the bill:

H. 675. To provide for certain crimes and offenses relating to animals and

research, agricultural, commercial, or educational facilities relating to animals; and to provide penalties.

was taken up.

SUBSTITUTE OFFERED

Representative Carothers offered the following substitute to the bill, H. 675:

A BILL TO BE ENTITLED AN ACT

To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature has found and determined that there has been an increasing number of illegal acts committed against animal research and production facilities involving injury to humans or animals, criminal trespass, and damage to property. These acts not only abridge the property rights of the owner of the facility, they also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research or production. These actions can also threaten the public safety by exposing communities to serious public health concerns and may substantially disrupt or damage research.

Therefore, it is in the interest of the people of the State of Alabama to protect the welfare of humans and animals as well as productive use of public funds to prohibit unauthorized possession, alteration, or destruction of agricultural, educational, or research records, equipment, and animals.

Section 2. The following words and phrases when used in this act shall have the following meanings:

(1) **ANIMAL.** Every living creature, domestic or wild, with the exception of man.

(2) **ANIMAL FACILITY.** Any facility engaging in scientific research, education, or agricultural production of or involving the use of animals including any organization with a primary purpose of representing livestock production or processing, any organization with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, and any organization with a primary purpose of representing any of the above. "Animal facility" shall include the owner, operator, and employees of any

animal facility and any premises where animals are located.

Section 3. (a) It shall be unlawful for any person or persons:

(1) To intentionally release, steal, or otherwise cause the loss of any animal from an animal facility without the consent of the owner.

(2) To damage, vandalize, or steal any property on or from an animal facility.

(3) To obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility.

(4) To break and enter into any animal facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, or animals.

(5) To knowingly obtain control by theft or deception that is unauthorized or to exert control that is unauthorized over records, data, materials, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or facility of records, materials, data, equipment, or animals.

(6) To possess or use records, materials, data, equipment, or animals, or in any way to copy or reproduce records or data of an animal facility knowing or reasonably believing that the records, materials, data, equipment, or animals have been obtained by theft or deception or without authorization of the rightful owners or administrators of the animal facility.

(7) To enter or remain on an animal facility with the intent to commit an act prohibited under this act.

(b) Any person who violates any provision of this act shall, on conviction, be guilty of a Class C felony.

Section 4. Any person convicted of a violation of this act shall also be required by the court to make full restitution to the owner or operator of the animal facility for any reasonable costs of replacing materials, data, equipment, animals, and records that may have been damaged, destroyed, lost, or cannot be returned, and also the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of any violation of this act.

Section 5. Notwithstanding any remedy available at law, any owner or operator of an animal facility may apply to the circuit court of the county where the animal facility is located for a temporary restraining order and an injunction to restrain any person, organization, or association from committing any violation of this act.

Section 6. The provisions of this act are severable. If any part of this act is

declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bryant, Bugg, Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative McDowell.

-1

And the bill:

H. 675. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.
as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box,

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Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Venable, Walker, Warren, White, Williams and Willis.

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HOUSE BILLS INDEFINITELY POSTPONED

On motion of Representative Hammett, all House bills remaining on the Calendar when the House adjourns today will be indefinitely postponed.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 687, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghy.

-79

And the bill:

H. 687. (With Amendment): To establish as a Class "C" felony the unlawful, wanton, or malicious killing or disabling of livestock of another; to allow in addition,

the collection of damages in an amount double the value thereof; to define livestock.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. 687 on page 2, line 8, after the word "Section" by striking the figure 8 and inserting in lieu thereof the figure 6

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, H. 687, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P),

Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

-82

BUDGET ISOLATION RESOLUTION

On motion of Representative Johnson, the Budget Isolation Resolution relating to the bill, H. 695, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

-84

And the bill:

H. 695. To regulate advertisements and solicitation by veterinarians to the general public through the rulemaking authority granted to the Alabama State Board of Veterinary Medical Examiners.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney,

Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

-89

BUDGET ISOLATION RESOLUTION

On motion of Representative Bugg, the Budget Isolation Resolution relating to the bill, H. 785, was adopted.

Yeas 70; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carter, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaston, Grayson, Gullatt, Hammett, Haney, Harvey, Haynes, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Starkey, Thomas, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

-70

Nay:

Representatives Clay, Collins, Curry, McKee, Petelos, Sanderson and Walker.

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Smith (R) intended to vote "Yea" on adoption of the Budget Isolation Resolution relating to the bill, H. 785.

And the bill:

H. 785. To amend Section 17-10-3 of the Code of Alabama 1975, to allow persons required to work on certain shifts to vote by absentee ballot.

was taken up.

AMENDMENT OFFERED

Representative Smith (R) offered the following amendment to the bill, H. 785:

On page 2, line 4, after the word "makes" insert the word: personal

And, on line 5, strike through the following language: ~~in writing therefor~~

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Smith (R) to the bill, H. 785, was tabled.

Yeas 44; Nays 24.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Carter, Clark (W), Crow, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Grayson, Hall, Harvey, Haynes, Hogan, Holley, Hooper, Johnson, Kennedy, Laird, Lindsey, Melton, Millican, Morrow, Morton, Newton (D), Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Thomas, Warren, White, Williams, Willis and Zoghby.

-44

Nay:

Representatives Carns, Clay, Collins, Curry, Gaines, Gaston, Gullatt, Hamilton, Haney, Hill, Knight, Kvalheim, McDaniel, McKee, McMillan, Mikell, Payne, Petelos, Rich, Richardson, Sanderford, Sanderson, Smith (R) and Walker.

-24

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 785:

On page 2, line 1, after the word "overlaps" insert the following language: all of

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Hill to the bill, H. 785, was tabled.

Yeas 44; Nays 25.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carter, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Grayson, Hall, Harvey, Haynes, Hogan, Holley, Johnson, Kennedy, Laird, Lindsey, Melton, Morrow, Newton (D), Parker (P), Perdue, Rockhold, Rogers (F), Smith (C), Thomas, Warren, White, Williams, Willis and Zoghby.

-44

Nay:

Representatives Carns, Clay, Collins, Curry, Gaines, Gaston, Gullatt, Hamilton, Haney, Hill, Hooper, Knight, Kvalheim, McDaniel, McKee, McMillan, Mikell, Morton, Newton (C), Payne, Petelos, Richardson, Sanderford, Sanderson and Walker.

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MOTION TO REMOVE FROM TABLE ADOPTED

Having voted on the prevailing side by which the amendment offered by Representative Hill to the bill, H. 785, was tabled, Representative Box offered the motion to remove the amendment from the table, and the motion was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Letson, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C),

Parker (P), Parker (T), Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT WITHDRAWN

At the request of Representative Hill, unanimous consent was granted for him to withdraw his amendment to the bill, H. 785.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 675. To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

TOMMY CARTER
Chairman

And the bill, H. 675, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 772. To authorize Alabama Public School and College Authority to sell and issue thirty-six million dollars (\$36,000,000.00) (plus underwriting discount, costs of issuance and Certain Litigation Settlement Expenses) aggregate principal amount of additional bonds for capital improvements in this state for certain public institutions of higher education, including the cost of architectural services thereof and services rendered by building inspectors for periodic and final inspections

therefor and further including the cost of Certain Litigation Settlement Expenses; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; and provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

TOMMY CARTER
Chairman

And the bill, H. 772, as engrossed, was ordered sent to the Senate.

H. 785 RESUMED

AMENDMENT OFFERED

Representative Clay offered the following amendment to the bill, H. 785:

On page 1, line 14, delete the period and insert the following language: in Etowah County,

On page 1, line 22, delete the period and insert in lieu thereof the following language: in Etowah County.

On page 2, line 1, after the word "day" insert the following language: in Etowah County

AMENDMENT TABLED

On motion of Representative Bugg, the amendment offered by Representative Clay to the bill, H. 785, was tabled.

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Yeas 36; Nays 35.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Bryant, Bugg, Burke, Cagle, Carothers, Carter, Crow, Dolbare, Escott-Russell, Ford, Freeman, Goodwin, Hall, Haynes, Hogan, Holladay, Johnson, Letson, Lindsey, Mathis, Melton, Morrow, Parker (P), Parker (T), Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Warren, White and Willis.

-36

Nay:

Representatives Anderson, Carns, Clay, Collins, Cosby, Curry, Flowers, Gaines, Gaston, Gullatt, Haney, Hawkins, Higginbotham, Hill, Hooper, Kennedy, Knight, Kvalheim, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Payne, Penry, Petelos, Richardson, Rogers (J), Sanderford, Sanderson, Turnham, Venable and Walker.

-35

And the bill, H. 785, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 33.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Butler, Cagle, Carothers, Carter, Clay, Crow, Dolbare, Escott-Russell, Ford, Freeman, Grayson, Hall, Haynes, Hogan, Holladay, Holley, Johnson, Kennedy, Letson, Lindsey, McDaniel, Morrow, Parker (P), Parker (T), Rich, Rockhold, Rogers (F), Smith (C), Smith (R), Spratt, Thomas, Venable, Warren, White, Willis and Zoghby.

-44

Nay:

Representatives Anderson, Biddle, Blakeney, Carns, Collins, Cosby, Cullins, Curry, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Hawkins, Higginbotham, Hill, Knight, Layson, McDowell, McKee, Millican, Morton, Newton (C), Payne, Perdue, Petelos, Richardson, Rogers (J), Sanderford, Sanderson, Turnham and Walker.

-33

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and having previously filed a Motion in Writing, Representative Venable offered the motion to reconsider the vote by which the bill, S. 2, as amended, was lost, on the twenty-seventh legislative day, and the motion to reconsider was adopted.

Yeas 42; Nays 39.

Yea:

Mr. Speaker, Beasley, Box, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carothers, Clark (W), Dolbare, Freeman, Fuller, Gaines, Gullatt, Hamilton, Hammett, Harvey, Haynes, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Letson, Mathis, McClain, McDowell, McKee, Parker (P), Perdue, Rich, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Venable, Warren, White and Zoghby.

-42

Nay:

Representatives Anderson, Biddle, Black (L), Black (M), Blakeney, Bryant, Carns, Clay, Collins, Cosby, Crow, Cullins, Curry, Gaston, Grayson, Hall, Haney, Hawkins, Higginbotham, Hill, Knight, Kvalheim, Layson, McDaniel, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Richardson, Sanderford, Sanderson, Smith (R), Walker and Willis.

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SUBSTITUTE OFFERED

Representative Freeman offered the following substitute to the bill, S. 2, as amended:

**A BILL
TO BE ENTITLED
AN ACT**

To propose a self-executing amendment to the Alabama Constitution of 1901, relative to setting the dates, times and length of an organizational, annual regular, annual budget and any special session of the Alabama Legislature; to provide for superseding Constitutional Amendment No. 339; to repeal Constitutional Amendment No. 448; and to provide for a constitutional election on the proposed amendment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT TO THE CONSTITUTION
OF THE STATE OF ALABAMA

The Legislature shall convene on the second Tuesday in January next succeeding its election in organizational session and shall remain in session for not longer than 10 consecutive calendar days. No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. At the beginning of each such organizational session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the lieutenant-governor, and the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The president of the senate and the speaker of the house of representatives shall each hold his/or her respective office until his/or her successor has been elected and qualified. Commencing in the year 1993, the annual regular sessions of the Alabama Legislature shall commence on the third Tuesday in April of the first year of the term of office of the legislators, and on the third Tuesday in January of the second, third and fourth years of such term unless changed by statute. There shall be two annual regular sessions to be constituted as follows. There shall be a first annual session of 60 calendar days and no more than 20 legislative days within the ~~70~~ 60 calendar day period. During the first annual regular session legislation of any nature may be introduced with the exception of the following; general appropriation bills for the ordinary expenses of the executive, legislative, and judicial departments of the state, bills for interest on the public debt, and appropriation bills for the support and maintenance of public education. On the second Tuesday after the final adjournment of the annual first regular session of the Legislature, the annual budget session of the Legislature shall commence and continue for a period of ~~35~~ 45 calendar days with a maximum of 12 legislative days in which to meet. During the budget session, only bills pertaining to raising revenue, general appropriation bills for the ordinary expenses of the executive, legislative, and judicial department of the state, bills for interest on the public debt, and bills for the support and maintenance of public education

~~or any other legislation dealing with financial needs or any other legislation dealing with emergency financial needs of the State~~ may be introduced. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, except by a vote of two-thirds of each house. Special sessions shall be limited to 12 legislative days and thirty calendar days. If the General Fund or Education Trust Fund appropriation bill is referred to a Conference Committee to resolve differences between the two houses, that Conference Committee shall file its report in both houses of the Legislature. That report shall be made available to all members of the Legislature and may not be voted upon by either house of the Legislature within twenty-four hours from such time as the Conference Committee has returned its report. This amendment supersedes Constitutional Amendment No. 339. This amendment shall repeal the provisions of Constitutional Amendment No. 448. This amendment shall be self-executing.

Section 2. An election upon the herein proposed amendment to the Alabama Constitution of 1901, is ordered to be held at the next primary or general election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state as well as in accordance with Amendment No. 425 of the Constitution for any proposed amendment applying to only one county.

Section 3. Notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state for general constitutional amendments and in each newspaper qualified to run legal notices in any county where a proposed amendment applies only to such county. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this act shall be effective immediately upon ratification by the people and the governor thereafter shall proclaim this amendment as well as any other amendments, as required by law.

MOTION TO ADJOURN LOST

The motion offered by Representative Anderson that the House adjourn until 10:00 o'clock a.m., Thursday, May 7, 1992, was lost.

MOTION IN WRITING LOST

Representative Lindsey offered the following Motion in Writing:

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28th Day**

3365

I move the previous question.

And the Motion in Writing was lost.

Yeas 27; Nays 46.

Yea:

Representatives Beasley, Bowling, Box, Burke, Butler, Cagle, Carothers, Cullins, Dolbare, Freeman, Fuller, Hall, Harvey, Haynes, Hogan, Holley, Johnson, Letson, Lindsey, Morrow, Morton, Newton (C), Parker (P), Rogers (F), Smith (C), Warren and White.

-27

Nay:

Representatives Barnes, Biddle, Black (L), Blakeney, Carns, Collins, Cosby, Curry, Flowers, Gaines, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hooper, Knight, Kvalheim, Laird, Layson, McClain, McDaniel, McDowell, McMillan, Mikell, Millican, Parker (T), Payne, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Turnham, Venable and Walker.

-46

MOTION TO CARRY OVER LOST

The motion offered by Representative Knight to carry over the bill, S. 2, as amended, and the pending substitute, to the twenty-ninth legislative day was lost.

Yeas 27; Nays 34.

Yea:

Representatives Buskey (JL), Carns, Collins, Cosby, Crow, Cullins, Hall, Hamilton, Haney, Hawkins, Knight, Laird, Layson, McClain, McDowell, McKee, Mikell, Millican, Payne, Poole, Rich, Rogers (J), Sanderford, Sanderson, Smith (R), Walker and Willis.

-27

Nay:

Representatives Beasley, Box, Burke, Cagle, Campbell, Carothers, Dolbare, Freeman, Gaines, Gaston, Gullatt, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson, Kvalheim, Letson, Lindsey, Mathis, Parker (P), Parker (T), Penry, Rockhold, Rogers (F), Smith (C), Venable, Warren, White and Williams.

-34

MOTION TO CARRY OVER OFFERED

Representative Walker offered the motion to carry over the bill, S. 2, as amended, and the pending substitute to the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Representative Freeman to table the motion offered by Representative Walker to carry over the bill, S. 2, as amended, and the pending substitute to the twenty-ninth legislative day was lost.

Yeas 37; Nays 41.

Yea:

Mr. Speaker, Beasley, Black (M), Box, Burke, Cagle, Campbell, Carothers, Collins, Dolbare, Freeman, Gaston, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Kvalheim, Letson, Lindsey, Mathis, McMillan, Newton (C), Parker (P), Penry, Petelos, Rich, Rogers (F), Smith (C), Turnham, Venable, Warren and White.

-37

Nay:

Representatives Biddle, Blakeney, Buskey (JE), Carns, Clark (W), Cosby, Crow, Cullins, Curry, Escott-Russell, Gaines, Grayson, Gullatt, Hamilton, Haney, Hawkins, Hill, Knight, Laird, Layson, McDaniel, McKee, Mikell, Millican, Morrow, Morton, Parker (T), Payne, Perdue, Poole, Powell, Richardson, Rockhold, Rogers (J), Sanderson, Smith (R), Spratt, Walker, Williams, Willis and Zoghby.

-41

S. 2 TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Walker to carry over the bill, S. 2, as amended, and the pending substitute to twenty-ninth day, and the motion was adopted.

Yeas 41; Nays 38.

Yea:

Representatives Biddle, Black (L), Blakeney, Bryant, Carns, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Gaines, Gullatt, Hamilton, Haney, Hawkins, Hill, Knight, Laird, Layson, McDaniel, McKee, McMillan, Mikell,

**REGULAR SESSION
28th Day**

3367

Millican, Morrow, Morton, Payne, Poole, Powell, Rockhold, Rogers (J), Sanderford, Sanderson, Smith (R), Spratt, Walker, Williams, Willis and Zoghby.

-41

Nay:

Mr. Speaker, Beasley, Black (M), Box, Burke, Cagle, Campbell, Carothers, Dolbare, Freeman, Gaston, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Letson, Lindsey, Mathis, Newton (C), Parker (P), Parker (T), Penry, Petelos, Rich, Richardson, Rogers (F), Smith (C), Turnham, Venable, Warren and White.

-38

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Zoghby, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 374.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, H. 374, was adopted.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Escott-Russell, Gaston, Gullatt, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, McDaniel, McMillan, Mikell, Millican, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Turnham, Venable, Walker, Warren, Willis and Zoghby.

-56

And the bill:

H. 374. (With Amendment): Reopening the Teachers' Retirement System for purchase of a certain amount of prior service credit in the system by certain employees of the University of South Alabama Medical Center.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 374 on page 2, line 3 after the word "compensation" by adding the words "or average final salary, whichever is higher".

Further amend on page 2, line 6 after the word "salary" by adding the words "or average final salary, whichever is higher".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Crow, Cullins, Curry, Escott-Russell, Flowers, Gaston, Gullatt, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable, Walker, Warren, Willis and Zoghby.

-60

And the bill, H. 374, as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yea:

Mr. Speaker, Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaston, Grayson, Gullatt, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-64

Nay:

Representative Higginbotham.

- 1

H. 290 AGAIN TAKEN UP

And the bill:

H. 290. (With Amendment): Authorizing the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; and prescribing penalties for violations of this act.

as amended on the twenty-fourth legislative day, was again taken up.

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 290, as amended:

On page 3, line 12, after the language "Section 4." insert the following: (a)

On page 3, after line 15, insert the following:

(b) No person requesting and receiving criminal history information shall disseminate the information to any other person who is outside the operational scope of the requester. Any person violating this subsection shall be guilty of a Class A misdemeanor.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carothers, Collins, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Grayson, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold,

Rogers (F), Rogers (J), Sanderford, Smith (C), Turnham, Venable, Walker, Warren, Williams and Willis.

-62

MOTION TO ADJOURN LOST

The motion offered by Representative Richardson that the House adjourn until 10:00 o'clock a.m., Thursday, May 7, 1992, was lost.

Yeas 33; Nays 33.

Yea:

Representatives Anderson, Biddle, Black (M), Blakeney, Bryant, Carns, Clark (W), Cosby, Curry, Dolbare, Escott-Russell, Grayson, Gullatt, Hamilton, Haney, Harvey, Hawkins, Haynes, Holladay, Laird, Layson, Letson, McKee, Mikell, Morton, Parker (T), Poole, Rich, Richardson, Rockhold, Rogers (F), Walker and Williams.

-33

Nay:

Representatives Beasley, Black (L), Box, Cagle, Carothers, Flowers, Fuller, Gaines, Gaston, Hammett, Harper, Hill, Hogan, Holley, Hooper, Johnson, Knight, Kvalheim, Mathis, McDaniel, McMillan, Morrow, Newton (C), Parker (P), Petelos, Sanderford, Sanderson, Smith (C), Spratt, Thomas, Turnham, Venable and Warren.

-33

H. 290 RESUMED

And the bill:

H. 290. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make appropriations from the Public Safety Law Enforcement Fund to the Department of Public Safety.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Box, Bryant, Carns, Carothers, Collins, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaston, Grayson, Hammett, Harper, Harvey, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Venable, Walker, Warren and White.

-53

Nay:

Representative Smith (R).

- 1

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hogan, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 599.

BUDGET ISOLATION RESOLUTION

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 599, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Buskey (JE), Cagle, Carns, Clark (W), Collins, Cullins, Curry, Escott-Russell, Gaines, Gaston, Grayson, Hamilton, Haney, Hawkins, Hogan, Holladay, Hooper, Kvalheim, Layson, McMillan, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Petelos, Rich, Richardson, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Venable, Warren and Williams.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 599. (With Substitute): To make a supplemental appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated from the State General Fund to the Alabama Mining Museum the sum of fifty thousand dollars (\$50,000) for the fiscal year ending September 30, 1993. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Mining Museum.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1992-93, an operations plan for fiscal year 1992-93 and an audited financial statement for all operations during fiscal year 1990-91 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1992-93 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1992.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Carns, Carothers, Collins, Cosby, Cullins, Escott-Russell, Flowers, Gaston, Grayson, Hammett, Haney, Harper, Hawkins, Haynes, Hooper, Johnson,

Kennedy, Kvalheim, Layson, Letson, Lindsey, Mathis, McDaniel, McKee, McMillan, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R) and Warren.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 599. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Biddle, Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Turnham, Warren, White, Williams and Willis.

-60

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Spratt, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 494.

BUDGET ISOLATION RESOLUTION

On motion of Representative Spratt, the Budget Isolation Resolution relating to the bill, H. 494, was adopted.

Yeas 31; Nays 0.

Yea:

Mr. Speaker, Biddle, Blakeney, Box, Bugg, Buskey (JE), Carns, Carothers, Clark (W), Cullins, Dolbare, Escott-Russell, Gaines, Gaston, Grayson, Haney, Hawkins, Hill, Knight, Kvalheim, Letson, Mathis, Morton, Parker (P), Parker (T), Payne, Petelos, Rogers (F), Sanderford, Sanderson and Smith (C).

-31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 494. Relating to the Teachers' Retirement System; reopening the system for purchase of certain service credit in the system by certain active members of the system; providing for the manner of payment of the cost of the prior service credit; providing for the expiration of the reopening period; and providing for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Biddle, Blakeney, Box, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Crow, Cullins, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Haney, Harvey, Hill, Hogan, Johnson, Knight, Kvalheim, Letson, Mathis, McDaniel, McKee, Morton, Parker (T), Payne, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Warren, White and Willis.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Newton (C), the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 879.

BUDGET ISOLATION RESOLUTION

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 879, was adopted.

Yeas 59; Nays 2.

Yea:

Mr. Speaker, Beasley, Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Mathis, McDaniel, McKee, McMillan, Mikell, Morton, Parker (P), Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turnham, White, Williams and Willis.

-59

Nay:

Representatives Harper and Payne.

- 2

MOTION TO CARRY OVER TABLED

On motion of Representative Newton (C), the motion offered by Representative Harper to carry over the bill, H. 879, to the twenty-ninth legislative day, was tabled.

Yeas 45; Nays 16.

Yea:

Representatives Beasley, Blakeney, Box, Carothers, Cosby, Crow, Curry, Gaines, Grayson, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Holladay, Hooper, Johnson, Knight, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (R), Spratt, Turnham, Warren, Williams and Willis.

-45

Nay:

Mr. Speaker, Anderson, Buskey (JE), Cagle, Campbell, Dolbare, Freeman, Gullatt, Harper, Hogan, Holley, Kennedy, Parker (P), Rockhold, Smith (C) and Zoghby.

-16

And the bill:

H. 879. To provide further for length restrictions on vehicles, trucks, trailers, semi-trailers, or combination thereof, transporting laminated wood building materials, and amending Section 32-9-25 therefor.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Blakeney, Bryant, Bugg, Cagle, Carothers, Collins, Cosby, Crow, Dolbare, Gaines, Gaston, Grayson, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Layson, Mathis, McDaniel, McKee, McMillan, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Turnham, Venable, Warren, Williams, Willis and Zoghby.

-58

Nay:

Representatives Gullatt, Harper and Higginbotham.

- 3

RESOLUTION

The following resolution was introduced:

By Representative Black (L):

H.J.R. 425. COMMENDING WILL LEE, JR., OF SUMTER COUNTY, ALABAMA, ON HIS OUTSTANDING CAREER IN EDUCATION.

WHEREAS, Mr. Will Lee, Jr., of Sumter County, is retiring at the end of the

current school term, and the Alabama Legislature notes he has distinguished himself in service to this state in the field of education for over thirty years; and

WHEREAS, a native of Sumter County, Mr. Lee earned his Bachelor of Science degree from Miles College and a Master's degree from Alabama State University and he has been a respected teacher of mathematics throughout his sterling career; and

WHEREAS, in addition to his teaching career, Mr. Will Lee, Jr., officiated for over 25 years as a basketball official through the Alabama High School Athletics Association, served as coach in basketball, and has been actively involved as a member of a number of professional organizations on the local, state, and national levels, including Phi Beta Sigma Fraternity, the National Education Association, and the Alabama Education Association, to name only a few; and

WHEREAS, Mr. Lee has earned the respect of his peers and community for his distinguished educational leadership and has indeed long and well served the education community and, upon retirement, is to be praised for his outstanding achievements and contributions to education in this state; now therefore,

BE IT RESOLVED BY THE THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend Mr. Will Lee, Jr., for outstanding service to education and the schools and students of Sumter County, and direct that he receive a copy of this resolution as a symbol of our high regard and best wishes for every future success and happiness in retirement.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Black (L), House Rule 62 was suspended in order to take up for immediate consideration the resolution, H.J.R. 425.

On motion of Representative Black (L), the resolution, H.J.R. 425, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 599. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1993

TOMMY CARTER
Chairman

And the bill, H. 599, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Morrow, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, H. 412.

BUDGET ISOLATION RESOLUTION

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 412, was adopted.

Yeas 38; Nays 0.

Yea:

Representatives Anderson, Black (M), Box, Campbell, Collins, Dolbare, Escott-Russell, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Haney, Hawkins, Haynes, Hill, Holladay, Hooper, Johnson, Knight, Laird, Mikell, Millican, Morrow, Morton, Parker (T), Payne, Petelos, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt and Zoghby.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 412. To amend Section 26-17-7 of the Code of Alabama 1975, to provide that certain actions commenced in the name of the state regarding paternity matters shall be brought by the Department of Human Resources.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Anderson, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Mathis, McDaniel, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Thomas, Turnham, Venable, Warren, White, Willis and Zoghby.

-65

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 426. COMMENDING WILL LEE, JR., OF SUMTER COUNTY, ALABAMA, ON HIS OUTSTANDING CAREER IN EDUCATION.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 290. To authorize the Director of the Department of Public Safety to provide certain criminal history information on individuals for a fee; prescribe penalties for violations of this act; and make appropriations from the Public Safety Law Enforcement Fund to the Department of Public Safety.

TOMMY CARTER
Chairman

And the bill, H. 290, as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Knight to suspend the rules in order to take up out of order the Budget Isolation Resolution and the bill, H. 621, was lost, lacking a four-fifths vote.

Yeas 33; Nays 15.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Carns, Carothers, Collins, Crow, Curry, Escott-Russell, Gaines, Gaston, Grayson, Hammett, Haney, Hawkins, Hill, Knight, Kvalheim, Mathis, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Smith (C), Spratt, Venable and Willis.

-33

Nay:

Representatives Anderson, Bugg, Cagle, Dolbare, Freeman, Hall, Haynes, Hogan, Johnson, Letson, Morrow, Penry, Poole, Rich and Richardson.

-15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, H. 291, was adopted.

Yeas 38; Nays 11.

Yea:

Mr. Speaker, Beasley, Box, Bryant, Cagle, Carothers, Collins, Crow, Cullins, Freeman, Gaston, Grayson, Gullatt, Harper, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, McMillan, Mikell, Newton (C), Penry, Petelos, Poole, Rockhold, Sanderford, Sanderson, Smith (C), Spratt, Williams, Willis and Zoghby.

-38

Nay:

Representatives Black (M), Bugg, Flowers, Holladay, Holley, McDaniel, McKee, Morton, Payne, Richardson and Turnham.

-11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 291. (With Amendment): To levy upon each person convicted of a crime in a district or circuit court a criminal history processing fee that shall be collected as a fine and to provide that the fee shall be deposited into the Public Safety Law Enforcement Fund.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 291 on page 1, line 17 by inserting after the word "Treasury" and before the "." the words "and would provide an appropriation therefrom to the Department of Public Safety".

Further amend House Bill 291 on page 1, line 27 by inserting after the word "Fund" and before the "." the words "and to provide an appropriation therefrom to the Department of Public Safety".

Further amend House Bill 291 on page 2, after line 14 by inserting a new Section 3 to read as follows and renumbering all subsequent sections accordingly:

"Section 3. In addition to any and all other funds heretofore or hereinafter appropriated to the Department of Public Safety, there is hereby appropriated from the Public Safety Law Enforcement Fund to the Department of Public Safety, for the fiscal year ending September 30, 1992, the sum of one hundred thousand dollars (\$100,000) and for the fiscal year ending September 30, 1993, the sum of nine hundred thousand dollars (\$900,000). The appropriations provided in this section shall be expended for law enforcement purposes."

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:22 A.M. on May 5, 1992.

H.J.R. 162	H. 475
H.J.R. 229	H. 82
H.J.R. 250	H. 454
H. 79	H. 98
H. 594	H. 615
H. 340	

Delivered to the Governor at 5:42 P.M. on May 5, 1992.

H.J.R. 373	H.J.R. 396
H.J.R. 374	H.J.R. 398
H.J.R. 376	H.J.R. 400
H.J.R. 382	H.J.R. 402
H.J.R. 385	H. 790
H.J.R. 386	H. 438
H.J.R. 388	H. 392
H.J.R. 392	H. 153
H.J.R. 395	H. 508

Delivered to the Governor at 9:42 P.M. on May 5, 1992.

H. 115	H. 210
H. 189	H. 215
H. 190	H. 216
H. 192	H. 220
H. 205	H. 195

GREG PAPPAS
Clerk

ADJOURNMENT

The hour of 12:00 o'clock Midnight having arrived and pursuant to the resolution, H.R. 405, heretofore adopted, the Speaker declared the House adjourned until 10:00 o'clock a.m., Thursday, May 7, 1992.

TWENTY-NINTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, May 7, 1992**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Dale Huff, Alabama Baptist State Convention.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Matthew Mitchell, 8th Grade, Pine Grove School, Bay Minette, Alabama; Michael DeVaney, 8th Grade, Christ the King School, Daphne, Alabama; and Juan Ford, 8th Grade, Georgia Washington School, Pike Road, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghyb.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

**MOTION TO SUSPEND RULES AND ADOPT REPORT OF
THE STANDING COMMITTEE ON RULES**

Representative Carter offered the motion to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-eighth legislative day and to adopt the Report of the Standing Committee on Rules.

DIVISION OF THE QUESTION

Representative Haynes called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Carter to suspend the rules in order to dispense with the reading at length of the Journal of the House of Representatives for the twenty-eighth legislative day, and the motion was adopted.

Yeas 66; Nays 8.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carns, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Starkey, Venable, Walker, Warren, Willis and Zoghby.

Nay:

Representatives Biddle, Drake, Grayson, Haynes, McClain, McDowell, Payne and Rogers (J).

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REPORT OF THE STANDING COMMITTEE ON RULES ADOPTED

On motion of Representative Carter, the Report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-eighth legislative day was approved.

LEAVE OF ABSENCE

At the request of Representative McMillan, leave of absence was granted for Representative Turner.

REPORT FILED

Pursuant to Senate Joint Resolution 256, Regular Session 1983, Representative Walter Penry, Chairman, submitted the Report of the Alabama Oil and Gas Study Committee, and the report was ordered filed.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 121. CREATING A JOINT COMMITTEE TO STUDY AND PROVIDE FOR THE CONSTRUCTION OF A VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS OR WITHIN THE STATE CAPITOL COMPLEX.

On motion of Representative Starkey, the resolution, S.J.R. 121, was adopted.

BILLS ON SECOND READING

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 249. To amend Section 12-18-6, Code of Alabama 1975, as amended, relating to eligibility for retirement of justices of the supreme court, judges of courts of appeals and judges of circuit courts, so as to further provide therefor.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 312. (With Substitute): To provide that all deeds conveying an interest in real property shall contain, for ad valorem tax purposes, the mailing address of the grantee, and if more than one grantee, the mailing address of the grantee to whom statements and other notices regarding ad valorem taxes should be sent; providing that after the effective date of this act no deeds shall be accepted for recording in the probate courts of this state unless such information is contained therein; and further providing that foreclosure notices advertised in the newspaper shall contain the street address of the foreclosed property in the advertised notice.

Representative Harper, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 451. Allowing certain retired judges of probate to qualify for maximum disability pension benefits under the Judicial Retirement Fund by using certain service as a circuit clerk and to provide for the cost of any increased benefits.

S. 558. Relating to the annual licensing and bonding of businesses, individuals, firms, associations, partnerships, companies, or corporations engaged in the business of recovering or assisting in the recovery of lost or unclaimed property under the Uniform Disposition of Unclaimed Property Act, or any other property or outstanding obligation, whether or not monetary in nature; and providing for requirements for qualification of licensing; providing for penalties for violations; providing for rulemaking authority; and providing for the distribution of fees.

Representative Bowling, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 614. To amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session, to exempt the City Clerk of Talladega, Alabama, from the city civil service system.

Representative Carothers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 214. To amend Section 41-5-21, Code of Alabama 1975, relating to audit reports by the Office of Examiners of Public Accounts, so as to provide for confidentiality of the working papers used in the preparation of such audit reports.

S. 389. To amend Sections 12-15-1, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Alabama Juvenile Justice Act to provide further for the multiple needs child; to create a state children's services facilitation team and a county children's services facilitation team in each county; to create the Multiple Needs Child Fund; and to appropriate sums from the General Fund and the Special Educational Trust Fund.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Willis, Campbell and Crow:

H.R. 427. RECOGNIZING THE 50TH ANNIVERSARY OF THE WOMEN'S ARMY CORPS.

Also:

The following resolutions were introduced:

By Representative Black (L):

H.J.R. 428. COMMENDING NELSON HUGHES OF SUMTER COUNTY, ALABAMA, ON HIS RETIREMENT.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the accomplished career of Nelson Hughes, a distinguished educator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education as a right and privilege of the youth in Alabama; and

WHEREAS, a native Alabamian, Mr. Hughes' eminent tenure as an educator began upon his graduation from Alabama State University with a Bachelor of Arts degree in Physical Education and with a Master's degree; and

WHEREAS, Mr. Hughes taught school for 34 years in Sumter County, Alabama, and was inducted into the Alabama High School Athletics Hall of Fame in 1992; and

WHEREAS, in addition to his many professional responsibilities and pursuits, Mr. Hughes is a member of Kappa Alpha Psi Fraternity, Mayor Pro Tem of the Livingston City Council, member of the Livingston City Industrial Board, member of the First Baptist Church, Linden, Alabama, and is involved in numerous other civic and charitable affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Nelson Hughes of Sumter County, Alabama, on his retirement, and do further direct that he receive a copy of this resolution of sincere admiration and esteem.

On motion of Representative Black (L), the rules were suspended and the resolution, H.J.R. 428, was adopted.

Also:

By Representative Black (L):

H.J.R. 429. COMMENDING MRS. DORA HUGHES OF SUMTER COUNTY, ALABAMA, ON HER CAREER IN EDUCATION.

WHEREAS, in consensus of commendation, the Legislature of Alabama notes the accomplished career of Mrs. Dora Hughes, a distinguished educator whose professional career has been one of deep dedication and commitment to the furtherance and support of public education as a right and privilege of Alabama's youth; and

WHEREAS, Mrs. Hughes' eminent tenure as an educator began upon her graduation from Alabama State University with a Bachelor of Arts degree in Elementary Education and a Master's degree; and

WHEREAS, she taught school for 30 years in Sumter County, Alabama, and distinguished herself in service to education by serving as a member in the Alabama Education Association (AEA), the National Education Association (NEA), and the Sumter County Educational Association for two years, and as Chair of the University of Alabama and Livingston University Teachers Center, and was elected twice as Teacher of the Year; and

WHEREAS, in addition to her many professional responsibilities and pursuits, Mrs. Hughes has served the community as a member of Alpha Kappa Alpha Sorority, the Public Library Board, and Mt. Zion AME Church, Livingston, Alabama, where she has also been an assistant Sunday School teacher and trustee board member; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Dora Hughes of Sumter County, Alabama, on her retirement, and do further direct that she receive

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a copy of this resolution of sincere admiration and esteem.

On motion of Representative Black (L), the rules were suspended and the resolution, H.J.R. 429, was adopted.

Also:

By Representative Black (L):

H.J.R. 430. COMMENDING HOWARD KENNEDY OF YORK, ALABAMA, ON HIS OUTSTANDING CAREER IN EDUCATION.

WHEREAS, Mr. Howard Kennedy, a native of Sumter County, and a lifelong resident of York, Alabama, is retiring at the end of the current school term from Livingston High School and the Alabama Legislature notes that he has distinguished himself in service to this state as an agribusiness teacher for forty-three years; and

WHEREAS, Mr. Kennedy earned his Bachelor of Science and Master's degrees from Tuskegee Institute in Vocational Agriculture, and he received his AA degree from Alabama A&M of Huntsville, Alabama; and

WHEREAS, Mr. Howard Kennedy has earned the respect and esteem of his peers and community for his professional excellence and dedication to high academic standards as an agribusiness teacher and he has been actively involved as a member of a number of professional organizations, including the National and Alabama Boards of Education, and the Sumter Board of Education; and

WHEREAS, a member of the York City Council, an active member of St. John the Baptist Church of Ward, Alabama, where he has held many offices and positions of leadership, and a Thirty-third Degree Mason, Mr. Kennedy has contributed immeasurably to the lives of many; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby highly commend Mr. Howard Kennedy for outstanding service to education and to the schools and students of Sumter County, and direct that he receive a copy of this resolution as a token of our high regard.

BE IT FURTHER RESOLVED, That we wish for Howard Kennedy much success in his future endeavors and happiness in his leisure with his wife, Lillian, son, daughter, and two grandchildren.

On motion of Representative Black (L), the rules were suspended and the resolution, H.J.R. 430, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 431. COMMENDING NELSON HUGHES OF SUMTER COUNTY, ALABAMA, ON HIS RETIREMENT.

Also:

By Representative Black (L):

H.R. 432. COMMENDING MRS. DORA HUGHES OF SUMTER COUNTY, ALABAMA, ON HER CAREER IN EDUCATION.

Also:

By Representative Black (L):

H.R. 433. COMMENDING HOWARD KENNEDY OF YORK, ALABAMA, ON HIS OUTSTANDING CAREER IN EDUCATION.

Also:

The following resolution was introduced:

By Representative Hooper:

H.J.R. 434. CONGRATULATING MONTGOMERY'S SAINT JAMES MARCHING BAND FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, congratulates the Saint James Band, Montgomery's only junior high school marching band, on a Superior rating and other outstanding honors at the 22nd Annual Southeastern States Band Festival, October 19, 1991, in Troy, Alabama; and

WHEREAS, also in Class A competition at Southeastern States, the talented Saint James marching musicians and the Drill Team took best-in-class honors, while Percussion was judged second overall; and

WHEREAS, this impressive performance, achieved under the outstanding leadership of Band Director Chris Howard, Drill Team Representative Vicky Eichelberg and Drill Team Instructor Sharon Payne, has brought great honor to Saint James School and the Montgomery community; and

WHEREAS, the members of the Saint James Marching Band, each of whom greatly contributed to the Trojans' sweep of Festival honors, are: Band Captain Jessica Rawls, Band Lieutenant Jeremy Meehan, Drum Major Stacy Burgos, Band Assistant Ryan Chapman, Drill Team Captain Joan Eichelberg, Jessica Boyd, Scooter Brown, Joanna Cason, Kate Clark, Susan Eichelberg, Carrie Fortson, Susan Fortson, Leigh Gunn, Zachary Hansen, Kimberly Harrod, Kalen Harvey, Amanda Hendrix, Darcy Johnson, Anna Keene, Patrick Little, Joshua Lynch, Gwendolyn Majors, Adam McIntyre, Rachel McPhillips, Jennie Mills, Heather Mims, Will Russell, Darsey Scott, Deana Shelley, Margaret Ann Smith, Paige Stough, Rebecca Stough, Ashley Thompson, Sarah Thompson, Clennan Webber, Jana Whittington and Shannon Williams; and

WHEREAS, the Saint James Marching Band is indeed to be praised as a highly dedicated and self-disciplined group of young musicians whose commitment to achievement is reflected in their recognition as "Superior" in the 22nd Annual Southeastern States Band Festival competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Saint James Marching Band for extraordinary achievement, and direct that copies of this resolution be provided for Dr. Raymond Furlong, Headmaster, for presentation to Mr. Howard, on behalf of the band, and for appropriate display at Saint James School.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 434, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hooper:

H.R. 435. CONGRATULATING MONTGOMERY'S SAINT JAMES MARCHING BAND FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Representatives Smith (C) and Knight:

H.J.R. 436. COMMENDING DR. LORETTA G. BROWN ON HER RETIREMENT AS DIRECTOR OF THE GEORGE C. WALLACE SPEECH AND HEARING CENTER.

WHEREAS, Dr. Loretta G. Brown has announced her retirement from the University of Montevallo where, since 1971, she has served as Director of the George C. Wallace Speech and Hearing Center; and

WHEREAS, Dr. Brown has built the communication science and disorders program at the University of Montevallo into the largest such program in the State of Alabama, and through her leadership the direction of that program has been to prepare professionals to serve the communicatively impaired citizens of Alabama and, most particularly, the children of Alabama; and

WHEREAS, Dr. Brown is cited not only for her important departmental academic leadership, but as a teacher, supervisor, counselor, and friend; and

WHEREAS, this body is very proud of the outstanding program at the University of Montevallo, which has served over 3,000 individuals with communications problems, and is mindful of the significant contributions Dr. Brown has provided to make it such a success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend and applaud Dr. Loretta G. Brown for her outstanding career as an educator, and especially for her exemplary work as Director, for the last 21 years, of the George C. Wallace Speech and Hearing Center at the University of Montevallo.

BE IT FURTHER RESOLVED, That a suitable copy of this resolution be prepared for presentation to Dr. Brown as a token of the esteem and high regard in which she is held by the House membership, and as an expression of our very best wishes on the occasion of her retirement.

On motion of Representative Smith (C), the rules were suspended and the resolution, H.J.R. 436, was adopted.

Also:

By Representative Gaston:

H.J.R. 437. MOURNING THE DEATH OF BARRY MAXWELL CLARK, A VALIANT AMERICAN PATRIOT.

WHEREAS, it is with deep and abiding grief that the Legislature of Alabama records the death of Barry Maxwell Clark, a brave and stalwart son of Alabama who, at the age of just 26 years, was killed in action on January 31, 1991, in the service of his country; and

WHEREAS, an extraordinarily fine young man, Barry Clark was educated in the public schools of Columbia, Mississippi; Columbia Academy in Columbia, Mississippi; University Military School in Mobile, Alabama; Scarbrough Middle

School, Mobile; and at Mobile's John F. Shaw High School where he graduated with the Class of 1983; and

WHEREAS, during his school years, Barry Clark was involved in numerous scholastic and extracurricular activities including the UMC Glee Club, football and band at Scarbrough Middle School, and at Shaw High School, was a member of the Drama Club and the "Pride of Mobile" Band under Sirmon Lee and David Duit, achieving such distinctions as Band Officer, "Most Outstanding Bandsman"; All-State Band for two years, as well as Solo and Ensemble competition; and

WHEREAS, in community activities and achievement, he was a handbell soloist at many churches and for numerous weddings; was a tuba soloist; bass guitarist with the "Harvest" religious musical group; participated in church youth and choir activities; and, as a very versatile and talented musician, played seven different musical instruments; and

WHEREAS, following graduation from Shaw High School, young Barry Clark attended the University of Southern Mississippi in Hattiesburg, Mississippi, where he was an assistant to the Minister of Music at Main Street Baptist Church, and also attended Mobile Baptist College in Mobile; in answer to God's call to the Music Ministry, he trained in this field until circumstances and obligations interrupted his education; and

WHEREAS, Barry Clark joined the United States Air Force on August 2, 1985, in Montgomery, Alabama; he then completed basic training, served as a ground crewman with the F-15 Fighter Squadron, Eglin AFB, Florida, and then as aerial gunner with the 16th Special Operations Squadron at Hurlbert Field, Florida, at the time his unit was deployed to the Persian Gulf during Operation Desert Shield/Desert Storm; and

WHEREAS, on January 31, 1991, at 2:16 a.m., Barry and 13 other crewmen departed King Fahd International Airport aboard an AC-130-H Spectre Gunship, call sign "Spirit 03" and commanded by Major Paul J. Weaver, on a combat mission over Northeast Saudi Arabia and Southeast Kuwait; at 5:45 a.m., "Spirit 03" was tasked to attack Free Rocket Over Ground (FROG) missiles by the Marine Direct Air Support Center; at 6:19 a.m., Airborne Early Warning and Control System (AWACS) personnel directed Spirit 03 to return to base and Spirit 03 acknowledged; at 6:24 a.m., AWACS heard a weak mayday and, upon receiving no reply to a radio check with Spirit 03, immediately began Search and Rescue efforts which proved unsuccessful; and

WHEREAS, on March 4, 1991, following the liberation of Kuwait, search crews located a crash site one-half mile off the coast in the Persian Gulf near the Kuwait-Saudi Arabia border and, on March 5, 1991, a dive team confirmed this to be the wreckage of "Spirit 03," and concluded that there were no survivors; and

WHEREAS, while attempting the assigned task, "Spirit 03" was in contact

with Marine ground troops, attacking various targets involved in the Battle of Kafji, and it is believed they were doing precisely this at 6:19 a.m. when ordered back to base; the plane, however, instead of being well off the coast and out of harm's way, took a hit from either a missile or AAA; as it was already daylight and the Spectre Gunship is only a night-fighting plane, acceptance of the task itself was an act of courage, and for this and their gallantry in action, all 14 men were awarded the Silver Star, the third highest honor a member of the military can achieve; and

WHEREAS, reflecting the outstanding courage displayed by Barry Clark and his commitment to his military career are such awards as the Silver Star, Air Medal, Combat Readiness Medal, National Defense Service Medal, Southwest Asia Service Medal, NCO Professional Military, Education Ribbon with one Oak Leaf, Enlisted Aircrew Wings (Basic), Purple Heart, Air Force Achievement Medal, Air Force Good Conduct Medal, Armed Forces Expeditionary Medal, AF Longevity Service Award Ribbon, Air Force Training Ribbon and Aircraft Maintenance Badge; and

WHEREAS, Barry Clark accepted Christ as a very young man at the First Baptist Church, Columbia, Mississippi, Dr. Howard Aultman, Pastor, during a revival with Angel Martinez preaching, and under the tutelage and influence of such people as Billy Jack Green, Guthrie Curtis, Bernie Parker, Tad Denson, and his parents, became a devout and dedicated young man, resulting in his accepting God's call into the Music Ministry; although deterred in this pursuit, neither his spirituality nor his love for music was diminished, as evidenced by reports that, until his death, he was continually witnessing to and counseling those around him, including his four and six-year-old daughters, and was especially aware of and intrigued by the locale of Desert Shield/Desert Storm, and its possible significance in relation to end-of-time prophecies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Sergeant Barry Maxwell Clark, USAF, and extend our deepest and most heartfelt sympathy to his wife and two young daughters, the former Stephanie Gaye Farmer, and Janna and Rebecca Clark; to his loving parents, Billie Cooksey and Betty Ward Haskins Clark of Mobile, Alabama; and to other family members and friends, whose sorrow we share and with whom we grieve in the lamentable death of a distinguished young Alabamian, and a truly courageous young American patriot.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for the family of Barry Maxwell Clark.

On motion of Representative Gaston, the rules were suspended and the resolution, H.J.R. 437, was adopted.

Also:

By Representative Clark (J):

H.J.R. 438. COMMENDING THE EUFAULA HIGH SCHOOL BAND FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, it is with inordinate pride that the Alabama Legislature congratulates the Eufaula High School Band, 76 members strong, who won First Place in Class 2A competition at the American Music Festival, April 24, 1992, in Nashville, Tennessee; and

WHEREAS, the talented marching musicians from Eufaula, under the leadership of EHS Band Directors Greg Faulkner and Terry Binion, also received all Superior ratings in Festival competition, performing on the Grand Ole Opry stage along with 75 other groups representing 14 states; and

WHEREAS, the EHS Band, which has previously received all Superior ratings "on stage" at the state level, was rated all Superior and First Place, Class 2A, in Nashville by a distinguished panel of judges: Dr. John M. Long, Dean of the School of Fine Arts and Director of Bands, Troy State University; Dr. Edgar B. Gangware, Jr., Director of Bands, Northwestern University; and Jack O. Evans, Director of Bands Emeritus, Ohio State University; and

WHEREAS, the Eufaula High School Band is indeed to be praised as a highly dedicated and self-disciplined group of musicians whose commitment to achievement was reflected in their all Superior, First Place performance at the American Music Festival, which has brought great honor to their school, the Eufaula community and the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation, we hereby most heartily congratulate Band Directors Greg Faulkner and Terry Binion, and the entire Eufaula High School Band on their many outstanding accomplishments, and direct that copies of this resolution be forwarded to Principal Wayne Fiquitt for appropriate presentation and school display.

On motion of Representative Clark (J), the rules were suspended and the resolution, H.J.R. 438, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Clark (J):

H.R. 439. COMMENDING THE EUFAULA HIGH SCHOOL BAND FOR EXTRAORDINARY ACHIEVEMENT.

Also:

The following resolution was introduced:

By Representatives Zoghby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams and Willis:

H.R. 440. DESIGNATING MAY 1992 AS "FOSTER CARE MONTH" IN ALABAMA.

WHEREAS, the State of Alabama has custody and direct responsibility for the care of more than 7,000 children each year who have been temporarily or permanently separated from their families; and

WHEREAS, many of these children have been neglected by their families or abused, physically, emotionally, or sexually; and

WHEREAS, Alabamians are awakening to the realities of the bleak future these children have and are responding through personal and community involvement; and

WHEREAS, social workers are committed to the belief that every child has a right to his or her own nurturing family, that supportive services are provided to keep the family intact, and that these children are removed only as a last resort; and

WHEREAS, many of these dependent children have suffered the loss of stability and trust, which are foundations for positive physical and mental development, and these children are in need of sensitive, continuing help in understanding and accepting the reasons for their own family's inability to care for them, and in developing confidence in their own self-worth; and

WHEREAS, more than 1,700 extraordinary people, striving to make a difference in the life of a child, give invaluable service by opening their homes and hearts as foster parents, to provide a safe place for these children while the family mends or permanent homes are found; and

WHEREAS, only together as a team, respecting the roles of each team member, can the foster parents, birth family, social workers, and community make a difference in the child's life; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby recognize and designate May 1992 as "Foster Care Month" in Alabama, and remind all citizens of the responsibility involved in ensuring the enrichment, development, and support of Alabama's dependent children in foster care.

On motion of Representative Zoghby, the rules were suspended and the resolution, H.R. 440, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Williams:

H.R. 441. COMMENDING LIEUTENANT COLONEL (RET.) JOHN H. ANDERSON.

Also:

The following resolutions were introduced:

By Representative Campbell:

H.R. 442. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, May 7, 1992, we adjourn to meet again on Monday, May 18, 1992, at 10:30 a.m.

On motion of Representative Campbell, the rules were suspended and the resolution, H.R. 442, was adopted.

Also:

By Representatives Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes,

Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 443. RESOLUTION TO EXPRESS LEGISLATIVE INTENT REGARDING INVESTMENT BY THE STATE OF ALABAMA DEPARTMENT OF FINANCE, DIVISION OF RISK MANAGEMENT, IN CONSTRUCTION OF NEW VETERANS HOMES FOR THE DEPARTMENT OF VETERANS AFFAIRS.

WHEREAS, the legislature, in Section 31-5A-1, Code of Alabama 1975, found and determined a significant need for health, nursing, medical, rehabilitative and related housing structures for veterans; and

WHEREAS, the Department of Veterans Affairs is the state agency responsible for establishment of such veterans' homes; and

WHEREAS, the Department of Veterans Affairs expects to need as much as \$5,500,000 in funding from the state, in addition to funding from federal and other sources, to undertake construction of veterans' homes; and

WHEREAS, the Division of Risk Management of the Department of Finance manages trust funds which can be invested in the construction of veterans' homes, and the Division of Risk Management has expressed a willingness to undertake such an investment; and

WHEREAS, such an investment, yielding a fair and reasonable return, would be a prudent and beneficial investment for the said trust funds while allowing the Department of Veterans Affairs to fulfill its mission on behalf of Alabama's veterans; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Finance, Division of Risk Management, is encouraged to cooperate in every way legally permissible with the Department of Veterans Affairs in the construction of veterans' homes by investing the resources of the various trust funds managed by the Division toward that end.

MOTION TO SUSPEND RULES AND ADOPT

Representative Butler offered the motion to suspend the rules and adopt the resolution, H.J.R. 443.

DIVISION OF THE QUESTION

Representative Hammett called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Butler to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 443, and the motion was adopted.

On motion of Representative Butler, the resolution, H.J.R. 443, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Dolbare:

H.R. 444. COMMENDING MR. THEODORE B. PEARSON OF WASHINGTON COUNTY, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to take up uncontested local bills on the Calendar.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, S. 182, was adopted.

Yeas 52; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Collins, Crow, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Hooper, Knight, Lindsey, McKee, Melton, Millican,

Morrow, Morton, Newton (C), Newton (D), Parker (P), Payne, Perdue, Petelos, Sanderson, Smith (C), Smith (R), Venable, Walker, Warren, Willis and Zoghby.

-52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 182. Relating to Etowah County, authorizing the county commission to levy an annual license or privilege fee upon certain businesses, vocations, occupations, callings, or professions; authorizing the county commission to promulgate necessary rules and regulations; providing for the allocation of fee receipts; and providing a prospective effective date.

was read a third time at length and passed.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Ford, Fuller, Gaines, Gaston, Grayson, Hammett, Haynes, Hill, Holley, Knight, Kvalheim, Lindsey, Mathis, McMillan, Morton, Newton (D), Parker (P), Penry, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Venable, Walker, Warren, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, S. 572, was adopted.

Yeas 40; Nays 1.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Bugg, Cagle, Clark (W), Collins, Crow, Curry, Dolbare, Gaines, Goodwin, Hamilton, Hammett, Hill, Hogan, Holley, Knight, Kvalheim, Laird, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Venable, Warren and Willis.

-40

Nay:

Representative Grayson.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 572. Relating to Clay County; to increase the emergency telephone service charges and to provide for a referendum.

was read a third time at length and passed.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Bryant, Bugg, Cagle, Carns, Collins, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Goodwin, Hamilton, Hammett, Hill, Hogan, Holley, Knight, Kvalheim, Laird, Lindsey, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Venable, Walker, Warren, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, S. 600, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Box, Bryant, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Gaston, Goodwin, Hammett, Hill, Hogan, Holley, Knight, Kvalheim, Lindsey, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rogers (F), Sanderson, Smith (C), Venable, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 600 TEMPORARILY CARRIED OVER

On motion of Representative Dolbare, the bill, S. 600, was temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Warren, the Budget Isolation Resolution relating to the bill, S. 602, was adopted.

Yeas 54; Nays 0.

**REGULAR SESSION
29th Day**

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Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Box, Bryant, Bugg, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Gaines, Goodwin, Hamilton, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Lindsey, McDaniel, McMillan, Mikell, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Walker, Warren, Willis and Zoghby.

-54

And the bill:

S. 602. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

was read a third time at length and passed.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (M), Bowling, Box, Bugg, Buskey (JE), Cagle, Clark (W), Crow, Cullins, Curry, Dolbare, Fuller, Gaines, Goodwin, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Layson, Letson, Lindsey, Morton, Newton (C), Parker (T), Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Venable, Warren, Williams, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, S. 609, was adopted.

Yeas 38; Nays 0.

Yea:

Mr. Speaker, Beasley, Bowling, Box, Bryant, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Gaines, Goodwin, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Letson, Lindsey, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rogers (F), Sanderson, Smith (C) and Willis.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 609. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

was read a third time at length and passed.

Yeas 34; Nays 0.

Yea:

Representatives Black (M), Box, Buskey (JL), Cagle, Clark (W), Collins, Crow, Cullins, Curry, Gaines, Goodwin, Hammett, Hill, Hogan, Holley, Kennedy, Knight, Layson, Letson, Lindsey, Morton, Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Venable, Willis and Zoghby.

-34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, S. 617, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Black (M), Bowling, Box, Bryant, Buskey (JE), Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Gaines, Gaston, Goodwin, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDaniel, McMillan, Millican, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Venable, Walker, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 617. Relating to Marshall County; to require that all constables, elected or appointed in the county after the effective date of this act, shall have attended and completed a course of study at a police academy and shall be in full compliance with the minimum standards under the Peace Officers' Standards and Training Statutes, and to exempt any constable holding office in Marshall County on the effective date of this act from its provisions.

was read a third time at length and passed.

Yeas 55; Nays 0.

Yea:

Mr. Speaker, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Hall, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDaniel, McMillan, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Venable, Walker, Willis and Zoghby.

-55

BUDGET ISOLATION RESOLUTION

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, S. 577, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Letson, Lindsey, McMillan, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Venable, Walker, Willis and Zoghby.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Box offered the motion to reconsider the vote by which the Budget Isolation Resolution relating to the bill, S. 577, was adopted, and the motion to reconsider was adopted.

BUDGET ISOLATION RESOLUTION

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, S. 577, was again adopted.

Yeas 45; Nays 0.

Yea:

Representatives Beasley, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Clark (W), Crow, Cullins, Curry, Fuller, Gaines, Gaston, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Letson, McMillan, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Venable, Walker, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 577. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed.

Yeas 50; Nays 0.

Yea:

Representatives Beasley, Black (M), Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Ford, Fuller, Gaines, Gaston, Hammett, Hawkins, Hill, Hogan, Holley, Kennedy, Knight, Kvalheim, Letson, Lindsey, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Perdue, Poole, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Venable, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Rockhold, the Budget Isolation Resolution relating to the bill, S. 579, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (M), Bowling, Box, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Escott-Russell, Ford, Gaston, Goodwin, Grayson, Haney, Hawkins, Higginbotham, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, Millican, Parker (P), Parker (T), Payne, Petelos, Powell, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Walker, Williams, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 579. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Ford, Freeman, Fuller, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Hawkins, Higginbotham, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Letson, Lindsey, McDowell, McKee, Melton, Millican, Morrow, Parker (P), Parker (T), Payne, Petelos, Powell, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Venable, Walker, Warren, Williams, Willis and Zoghby.

-57

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 445. COMMENDING MILDRED CHANNELL OF OPP, ALABAMA.

MOTION TO RECESS OFFERED

Representative Layson offered the motion that when the hour of 11:50 o'clock a.m. arrives, the House stand in recess until 1:15 o'clock p.m.

SUBSTITUTE MOTION TO RECESS ADOPTED

The substitute motion offered by Representative Butler that when the hour of 11:45 o'clock a.m. arrives, the House stand in recess until 1:30 o'clock p.m. was adopted.

Yeas 68; Nays 9.

Yea:

Representatives Anderson, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDowell, McKee, Millican, Morton, Newton (C), Parker (P), Parker (T), Payne, Petelos, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Thomas, Turnham, Venable, Warren, Williams and Willis.

-68

Nay:

Mr. Speaker, Carter, Dolbare, Ford, Hall, Higginbotham, Morrow, Starkey and Zoghby.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 530. To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Bedsole, Windom, and Figures.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 530.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Dolbare, Ford, Fuller, Gaston, Hammett, Harper, Hawkins, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, Morrow, Morton, Parker (T), Payne, Petelos, Powell, Rockhold, Rogers (F), Smith (C), Starkey, Venable, Willis and Zoghby.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Box, Buskey (JE) and Kvalheim.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Kvalheim, the Budget Isolation Resolution relating to the bill, S. 561, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Gaston, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Kennedy, Knight, Kvalheim, Layson, Lindsey, Melton, Morrow, Morton, Payne, Petelos, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 561. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same, to the city; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

was read a third time at length and passed.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Cagle, Carter, Clark (W), Clay, Collins, Crow, Cullins, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Lindsey, Melton, Morrow, Morton, Payne, Petelos, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 539. Relating to Etowah County, to provide that the office of Mayor of Rainbow City shall be full-time and to provide further for the compensation of the Mayor.

Also:

H. 565. To propose an amendment to the Constitution of Alabama of 1901 to levy a one cent sales and use tax in Limestone County for the Athens City Board of Education and the Limestone County Board of Education.

Also:

H. 740. Relating to Lee County; granting to the county commission certain power and authority relative to public improvements in certain areas lying outside the corporate limits of any municipality in the county; providing certain exceptions; providing for the assessment against the improved property of the cost and expenses of materials and labor used if the improvements are approved by at least three-fourths of the property owners affected; authorizing, providing for, and regulating hearings relative to the assessments and appeals therefrom; providing for the collection of the assessments by the Lee County Tax Collector; and

investing the Lee County Commission with the same powers and authority relative to the collection of improvement assessments and liens therefor as municipalities relative to municipal improvement assessments, not inconsistent with other provisions of this bill.

Also:

H. 780. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

MCDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Buskey (JE), the Budget Isolation Resolution relating to the bill, S. 606, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Hawkins, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, Melton, Morrow, Payne, Petelos, Richardson, Rockhold, Sanderford, Venable, Williams, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 606. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

was read a third time at length and passed.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Lindsey, Melton, Morrow, Payne, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Zoghby, the Budget Isolation Resolution relating to the bill, S. 578, was adopted.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Kennedy, Knight, Kvalheim, Lindsey, Melton, Morrow, Payne, Petelos, Richardson, Rockhold, Rogers (F), Smith (C), Venable, Williams, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 578. Relating to Mobile County; to allow persons, regardless of profession, to be duly appointed to and to serve on any Mobile County board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Mobile County; and making the effect retroactive to January 1, 1973.

was read a third time at length and passed.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Kennedy, Knight, Kvalheim, Letson, Lindsey, Melton, Morrow, Morton, Payne, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Williams, the Budget Isolation Resolution relating to the bill, S. 586, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Carter, Clark (W), Clay, Collins, Crow, Cullins, Curry, Ford, Freeman, Fuller, Gaston, Hall, Hammett, Harvey, Hawkins, Hill, Hogan, Knight, Kvalheim, Lindsey, Melton, Morrow, Morton, Parker (P), Payne, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 586. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

was read a third time at length and passed.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carter, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Knight, Kvalheim, Lindsey, Melton, Morrow, Morton, Parker (P), Payne, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Williams, Willis and Zoghby.

-46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, S. 587, was adopted.

Yeas 32; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Carns, Clark (W), Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall, Harvey, Hawkins, Hill, Hogan, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Parker (P), Rockhold, Rogers (F), Smith (C), Venable and Zoghby.

-32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 587. Relating to Cleburne County; to increase the emergency telephone service charges and to provide for a referendum.

was read a third time at length and passed.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Payne,

Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 590, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Rockhold, Sanderford, Smith (C), Venable, Willis and Zoghby.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 590. Regulating sales of alcoholic beverages in Calhoun County; imposing a sales tax on spirituous or vinous liquors sold for on-premises consumption in the county; providing for the administration and enforcement of this act; providing penalties for violations; and specifically repealing Act No. 1014,

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S. 1134 of the 1975 Regular Session and Act No. 2220, H. 2829 of the 1971 Regular Session.

was read a third time at length and passed.

Yeas 50; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Venable, Willis and Zoghby.

-50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, S. 591, was adopted.

Yeas 45; Nays 0.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bryant, Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Morrow, Morton, Parker (P), Payne, Poole, Richardson, Rockhold, Sanderford, Smith (C), Venable, Willis and Zoghby.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 591. Relating to Calhoun County; providing further for the distribution of the beer taxes imposed pursuant to Section 28-3-190, Code of Alabama 1975 and providing for retroactive effect.

was read a third time at length and passed.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Box, Bryant, Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Sanderford, Smith (C), Venable, Willis and Zoghby.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, S. 601, was adopted.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JL),

Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 601. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

was read a third time at length and passed.

Yeas 48; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Carns, Clark (W), Clay, Collins, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Richardson, Rockhold, Sanderford, Smith (C), Venable, Willis and Zoghby.

-48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, S. 603, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Black (L), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Harvey, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Venable, Warren, Willis and Zoghby.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 603. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

was read a third time at length and passed.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JL), Cagle, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Hall, Hamilton, Hammett, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Letson, Lindsey, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Poole, Powell, Richardson, Rockhold, Rogers (F), Smith (C), Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hammett, the Budget Isolation Resolution and the bill, S. 604, were temporarily carried over.

BUDGET ISOLATION RESOLUTION CARRIED OVER

On motion of Representative Hammett, the Budget Isolation Resolution and the bill, S. 605, were temporarily carried over.

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, S. 613, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Butler, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaston, Goodwin, Hall, Hamilton, Hammett, Harvey, Hill, Hogan, Knight, Kvalheim, Letson, Lindsey, Melton, Morrow, Morton, Parker (P), Parker (T), Payne, Powell, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Venable and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 613. Relating to Colbert County; fixing the fee for the issuance of pistol permits, providing for the deposit of the fees in a fund known as the Sheriff's Special Fund, and providing for the disposition of these fees, and specifically repealing Act No. 81-227, H. 669, 1981 Regular Session (Acts 1981, p. 306).

was read a third time at length and passed.

Yeas 42; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Cagle, Carns, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hamilton, Hammett, Hill, Hogan, Knight, Kvalheim, Lindsey, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Petelos, Powell, Rogers (F), Sanderford, Smith (C), Smith (R), Venable and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Bryant, the Budget Isolation Resolution relating to the bill, S. 615, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Goodwin, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Kennedy, Knight, Lindsey, McDowell, Melton, Morrow, Morton, Parker (P), Payne, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable and Willis.

-44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 615. Relating to Perry County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; and to provide for an effective date.

was read a third time at length and passed.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Butler, Carns, Clark (W), Clay, Crow, Cullins, Curry, Dolbare, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Harvey, Hawkins, Hill, Hogan, Kennedy, Knight, Lindsey, Melton, Morrow, Morton, Parker (P), Payne, Petelos, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Venable and Willis.

-43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 752. Relating to the total compensation for the Sheriff of Baldwin County,

commencing with the next term of office; repealing any expense allowance commencing with the next term of office and thereafter.

Also:

H. 801. Relating to Fayette County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act, and to repeal all laws or parts of laws which conflict with this act.

Also:

H. 814. To amend Act No. 89-465 of the Regular Session of the Legislature of Alabama of 1989, approved May 4, 1989, to provide further for the terms and compensation of the board of directors of a public water authority in Marion County and to ratify and confirm certain compensation paid to the members of the board prior to the effective date of this act.

Also:

H. 812. Relating to the City of Jasper in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Jasper Police Officers and all City of Jasper Jailers covered by the Minimum Standards Act, to provide for the City Council of Jasper to increase the amount of hazardous duty payments; and to provide for implementation of this act.

Also:

H. 827. To amend Section 1 of Act No. 89-721, H. 1044, 1989 Regular Session, to provide for the expense allowance of the Coroner of Marengo County and to provide for retroactive effect.

MCDOWELL LEE
Secretary

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Burke, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 526.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 604. Providing further for the salary of the sheriff of Lee County, Alabama.

Also:

H. 708. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of New Site in Tallapoosa County.

Also:

H. 717. Relating to Baldwin County; providing a county supplement for court reporters in the Twenty-eighth Judicial Circuit; repealing conflicting laws; and providing for a retroactive effective date.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 804. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Margaret in St. Clair County.

Also:

H. 805. Relating to Dallas County; to establish a legislative delegation office in the county, and to provide for its funding, personnel, and administration.

Also:

H. 806. Relating to Talladega County; amending Act No. 87-416, H. 880, 1987 Regular Session, to increase the pistol permit fees.

Also:

H. 807. To amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session, to exempt the City Clerk of Talladega, Alabama, from the city civil service system.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 788. Relating to Blount County; authorizing the county commission to levy an additional ad valorem tax; creating the Blount County Water Authority; and providing for a referendum.

Also:

H. 825. Relating to Cullman County; to amend Act No. 79-574, H. 995, 1979 Regular Session, as amended, which established a county personnel board, so as to provide further for the compensation of the chairman of the board.

Also:

H. 826. Relating to Cullman County; to amend Section 2 of Act No. 80-549, H. 967, 1980 Regular Session (Acts 1980, p. 851) which provides further for said county personnel board, so as to provide further for the sheriff's department to be included under the civil service system.

Also:

H. 831. Authorizing the Pickens County Commission to levy additional sales and use taxes paralleling the state sales and use taxes provided for in Sections 40-23-1 to 40-23-4, inclusive, and 40-23-60 to 40-23-63, inclusive, Code of Alabama 1975; providing for the collection, distribution, and use of the proceeds of the tax; providing penalties for the enforcement of the act and providing for a referendum.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 753. Relating to Baldwin County; providing for an additional expense allowance for the Sheriff of Baldwin County commencing on the effective date of this act until the expiration of the term of office in January 1995.

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Also:

H. 760. Relating to county health officers or administrators in Talladega County; authorizing those officers or administrators to issue official death certificates; and providing that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health for custody subject to disbursement in the interest of health services in the county.

Also:

H. 799. To propose an amendment to the Constitution of Alabama of 1901 to provide for the election of the Talladega City Board of Education.

Also:

H. 800. Relating to Barbour County; to provide for the appointment of additional members to the board of registrars.

Also:

H. 803. Relating to St. Clair County; providing for an additional expense allowance for the Sheriff.

MCDOWELL LEE
Secretary

RECESS

The hour of 11:45 o'clock a.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

S. 214 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 214, from the Standing Committee on Judiciary to the Standing Committee on Health.

S. 389 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 389, from the Standing Committee on Judiciary to the Standing Committee on Health.

BILLS ON THIRD READING RESUMED**BUDGET ISOLATION RESOLUTION**

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, S. 526, was adopted.

Yeas 58; Nays 1.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Burke, Butler, Cagle, Carothers, Carter, Clay, Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Hall, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Laird, Lindsey, Mathis, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Richardson, Rogers (F), Sanderson, Smith (C), Starkey, Turnham, Venable, Warren, White, Willis and Zoghby.

-58

Nay:

Representative Grayson.

- 1

And the bill:

S. 526. To amend Section 39-7-14, Code of Alabama 1975, relating to boards of trustees of municipal improvement authorities; and to provide that those boards shall consist of five members that are qualified electors residing in the area serviced by the authority.

was taken up.

AMENDMENT OFFERED

Representative Burke offered the following amendment to the bill, S. 526:

Amend S. 526 on page 1, Section 1, line 36 by adding after the word of the following: not more than

AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 69; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Haney, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Knight, Kvalheim, Layson, Lindsey, Mathis, McDaniel, McKee, McMillan, Mikell, Millican, Morton, Parker (P), Payne, Penry, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Venable, Walker, Warren, Williams, Willis and Zoghby.

-69

Nay:

Representatives Grayson, Hall and Hamilton.

- 3

And the bill, S. 526, as amended, was read a third time at length and passed.

Yeas 66; Nays 3.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Holladay, Holley, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Spratt, Venable, Walker, Warren, Williams, Willis and Zoghby.

-66

Nay:

Representatives Grayson, Hall and Starkey.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 566. To levy and impose on lessors or renters of tangible personal property in Shelby County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property payable to the license commissioner of Shelby County, to be deposited into the general fund of the county treasury for the use of Shelby County.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Hill, the House concurred in and adopted the Senate amendment to the bill, H. 566, said Senate amendment being as follows:

On page 6, after line 30, insert the following language:

(17) The gross proceeds accruing from any lease or rental contract which by its terms is for a period of time over 12 months.

Yeas 55; Nays 1.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Buskey (JE), Cagle, Carns, Clark (W), Clay, Cosby, Curry, Dolbare, Freeman, Fuller, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Higginbotham, Hill, Hogan, Holladay, Knight, Kvalheim, Layson, Lindsey, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Rich, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Venable, Walker, Williams, Willis and Zoghby.

-55

Nay:

Representative Sanderson.

- 1

RESOLUTIONS

The following resolutions were introduced:

By Representatives Johnson, Holley and White:

H.J.R. 446. REQUESTING THE COMMISSIONER OF THE ALABAMA DEPARTMENT OF HUMAN RESOURCES TO CONSIDER ELIGIBILITY CRITERIA CHANGES IN THE ADULT SUPPLEMENTATION PROGRAM.

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WHEREAS, the Alabama Department of Human Resources administers the Adult Supplementation program to provide financial assistance to needy citizens of Alabama who are aged, blind, and/or disabled;

WHEREAS, the Adult Supplementation program is funded with only state dollars; and

WHEREAS, the primary goal of this program is to supplement the federal SSI benefit and/or other income of such needy persons in Alabama who need personal care due to certain handicaps or impairments and who are not able to pay the cost of such care; and

WHEREAS, the eligibility criteria of the Adult Supplementation program was amended October 1, 1991 making it impossible for many such needy individuals to receive this state supported assistance when personal care was rendered by a relative; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the commissioner of the Alabama Department of Human Resources, Charles G. Cleveland, to return eligibility criteria for the Adult Supplementation program to that which was in effect prior to October 1, 1991.

On motion of Representative Johnson, the rules were suspended and the resolution, H.J.R. 446, was adopted.

Also:

By Representative Laird:

H.J.R. 447. MOURNING THE DEATH OF DOUGLAS RAY TUCKER OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama, in sentiment of deep sorrow and regret, records the untimely death of Douglas Ray Tucker of Montgomery, Alabama, on May 2, 1992, at the age of just 57 years; and

WHEREAS, a graduate of Montgomery's Saint Mary of Loretto High School and a veteran of the United States Army Signal Corps, Douglas Ray Tucker retired in 1982 as Assistant Chief of the Montgomery Fire Department following a distinguished career of 23 years and, on October 13, 1982, became a contract employee with the Alabama Forestry Commission; and

WHEREAS, Mr. Tucker, in August 1983, was appointed as a Volunteer Firefighting Program Coordinator, and was thereafter successively promoted to Rural Community Fire Protection Chief in December 1988, and to Alabama Forestry Commission Division Director (Rural Community Fire Protection Division)

in August 1991, retiring from the commission on May 1, 1992; and

WHEREAS, Douglas Ray Tucker was a truly dedicated and an exemplary professional who held a bachelor's degree from Troy State University in Montgomery and an associate degree in fire science technology from Alexander City State Junior College; he also was a graduate of several U. S. Military-sponsored technical and leadership schools, had served as an adjunct professor with the National Fire Academy in Emmitsburg, Maryland, and was instrumental in the establishment of the Rural Community Fire Protection Institute; and

WHEREAS, in an extension of leadership and service, Mr. Tucker served on the Board of Directors of Comala Credit Union (1964-86) and as vice president of the Montgomery Chapter of Credit Unions; was a member of College Grove Community Church; and was active for many years with a number of Montgomery area youth sports leagues and other community organizations; and

WHEREAS, the lamentable death of Douglas Ray Tucker has indeed left an unfathomable void in the life of his community, and in the ranks of the 950 Volunteer Fire Departments in Alabama who held him in highest esteem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Douglas Ray Tucker of Montgomery, Alabama, and extend deepest sympathy to his wife, Mrs. Lynn Tucker; sons, Ray Tucker, Jr., and Ricky Tucker; daughters, Ginger Pittman and Elizabeth Dunlap; and other family members for whom copies of this resolution of sincere condolence shall be provided.

On motion of Representative Laird, the rules were suspended and the resolution, H.J.R. 447, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 880. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 859. Relating to Coosa County; to provide that the Coosa County Commission may establish and adopt voting centers by resolution.

Also:

H. 860. Relating to Coosa County, to provide for the selling and redeeming lands for taxes.

Also:

H. 861. Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 738. Relating to Calhoun County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether the sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; and to provide a method for the sale of the property and the report of the amount of taxes collected from the sale.

Also:

H. 745. To amend Section 2 of Act No. 433, H. 693, Regular Session 1969, approved August 19, 1969 (Acts of Alabama 1969, p. 839), as amended, relating to the fee for the issuance of pistol permits issued by the sheriff in Limestone County to further provide for the distribution of the fee.

Also:

H. 834. Relating to Coosa County; to create a license-issuing division within the office of the judge of probate for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses and boat licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle and boat licenses; to provide that the fees shall be established by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to provide for the issuance of licenses by the office of the judge of probate; to transfer certain duties now performed by the revenue commissioner to the judge of probate; to provide that the salary of the judge of probate not be increased for the performance of these additional duties.

Also:

H. 841. To propose an amendment to the Constitution of Alabama of 1901, and to authorize the County Commission of Geneva County to levy and collect certain additional property taxes for the maintenance of the jail and courthouse.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 634. Providing for a District Attorney's Fund for the 7th Judicial Circuit.

Also:

H. 718. To amend Act No. 489 (H. 1034) of the 1975 Alabama Legislature, so as to provide that in Madison County the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person shall be Ten (\$10) Dollars, and to provide for the use of a portion of the funds derived from the issuance of such permits.

Also:

H. 802. Relating to Madison County; authorizing the Madison County Commission and the Sheriff's Department of the county to prohibit the accumula-

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tion and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; requiring a county license to operate a junkyard; and providing fines for violations.

Also:

H. 848. Relating to Russell County; authorizing the county commission, upon a request from the governing bodies of the Cities of Phenix City and Hurtsboro, to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 858. Requiring the Mobile County Commission to provide certain compensation to any circuit judge in the 13th Judicial Circuit who is entitled to purchase any prior service credit in the Judicial Retirement Fund under Section 12-18-8.2 of the Code of Alabama 1975.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 798. Regulating further the manufacture and sale of alcoholic beverages; providing for the licensing of microbreweries and the exemption of microbreweries from the required separation of financial and business interests between classes of business regulated by the alcoholic beverage control laws.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Kennedy, the House concurred in and adopted the Senate amendment to the bill, H. 798, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to alcoholic beverages; to further regulate the manufacture and sale of beer in wet counties and wet municipalities by providing for the licensing of

brewpubs to brew and sell beer on the same premises for on-premises consumption only; to limit the production to 10,000 barrels per year; to exempt brewpub licensees from the provisions of section 28-3-4 and subsection (b) of section 28-3A-6, Code of Alabama 1975, as amended, with regard to beer brewed and dispensed at retail on the brewpub premises; to provide for license fees and taxes; and to proscribe unlawful acts so that a violation of this Act shall effect an automatic revocation of the brewpub license.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be known as and may be cited as the "Alabama Brewpub Act."

Section 2. (a) The words and phrases used in this Act shall have the meanings ascribed to them in section 28-3-1, Code of Alabama 1975, as amended, and any acts amendatory thereof, supplementary thereto or substituted therefor.

(b) The following words or phrases, whenever they appear in this Act, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this subsection:

(1) **BREW PUB.** Any premises upon which beer is manufactured or brewed, subject to the barrel production limitation prescribed in this Act, for consumption exclusively on the premises.

(2) **PREMISES.** Any building, structure or portion thereof designated as a historic building and site as defined in section 40-8-1, Code of Alabama 1975, in which is located the operations of a brewpub.

Section 3. (a) In addition to the licenses authorized to be issued and renewed by the Board pursuant to the Alcoholic Beverage Licensing code codified as Chapter 3A, Title 28, Code of Alabama 1975, as amended, the Board, upon applicant's compliance with the provisions of this Act and with Chapter 3A, Title 28, Code of Alabama 1975, as amended, and the regulations made thereunder, is authorized to issue to a qualified applicant a brewpub license which shall authorize the licensee to manufacture or brew beer in a quantity not to exceed 10,000 barrels in any one year and to sell such beer in unpackaged form at retail for on-premises consumption only, and to purchase beer in original unopened containers from licensed wholesalers and to sell such beer at retail for on-premises consumption only, in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, subject to the following conditions:

(1) The brewpub premises must be located in an historic building or site as defined in section 40-8-1, Code of Alabama 1975, in a wet county or wet municipality, in which county beer was brewed for public consumption prior to the

ratification of the Eighteenth Amendment to the U. S. Constitution in 1919.

(2) The proposed location of the premises shall not, at the time of the original application, be prohibited by a valid zoning ordinance or other ordinance in the valid exercise of police power by the governing body of the municipality or county in which the brewpub is located.

(3) Beer brewed by the brewpub licensee shall not be possessed, sold or dispensed except on the premises where brewed, and shall not be packaged or contained in other than barrels from which the beer is to be dispensed on the premises for consumption on the premises.

(4) The brewpub must contain and operate a restaurant with a seating capacity of not less than 80.

(b) The annual license fee levied and prescribed for a license as a brewpub issued or renewed by the Board pursuant to the authority of this Act is \$1,000.

(c) Except as provided in this subsection, the provisions of Title 28, Code of Alabama 1975, as amended, shall be applicable. The provisions of section 28-3-4 and subsection (b) of section 28-3A-6, Code of Alabama 1975, as amended, shall not be applicable with regard to beer brewed by the brewpub and sold and dispensed on the brewpub premises. In all other respects, section 28-3-4 and section 28-3A-6(b) shall be applicable.

Section 4. (a) In addition to the licenses provided for by this Act and any county or municipal license, there is levied on the brewpub the privilege or excise taxes imposed by sections 28-3-184 and 28-3-190, Code of Alabama 1975, as amended. Every brewpub licensee shall file the tax returns, pay the taxes and perform all obligations imposed on wholesalers at the times and places set forth therein. It shall be unlawful for any brewpub licensee who is required to pay the taxes so imposed in the first instance to fail or refuse to add to the sales price and collect from the purchaser the required amount of tax, it being the intent and purpose of this provision that each of the taxes levied is in fact a tax on the consumer, with the brewpub licensee who pays the tax in the first instance acting merely as an agent of the State for the collection and payment of the tax levied by section 28-3-184 and as an agent of the county or municipality for the collection and payment of the tax levied by section 28-3-190.

(b) The brewpub shall be required to keep and maintain all of the records otherwise required to be kept and maintained by manufacturer, wholesaler and retailer licensees.

Section 5. A violation of any provision of this Act shall constitute an unlawful act. A finding by the Board that the brewpub licensee is guilty of violating any provision of this Act shall effect an automatic revocation of the license.

Section 6. The Legislature finds that it is in the best interest of the public welfare of the State of Alabama to preserve and redevelop the original "downtown" municipal areas of this State and to further promote the preservation and redevelopment of historic buildings and sites. The Legislature finds that an effective way of facilitating the urban redevelopment program and the preservation of historic buildings and sites is by creating a single exception to the existing alcoholic beverage laws to authorize and permit the establishment of brewpubs located in historic buildings and sites in urban redevelopment areas of those municipalities located within counties where the brewing of beer for consumption by the public had historically been located. The policy and intent of the Legislature in the enactment of this Act is to promote the public welfare by further regulating and controlling alcoholic beverage transactions in Alabama under the control and supervision of the Alabama Alcoholic Beverage Control Board to accomplish this legislative purpose set forth herein.

Section 7. It is expressly provided that each section, subsection, clause, provision or portion of this Act shall be construed as inseparable and nonseverable from all others, and in the event that any section, subsection, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire Act and each section, subsection, clause, provision or portion thereof shall be inoperative and have no effect.

Section 8. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

In Section 4, page 4, after line 9, amend by inserting the following subsection:

"(c) The brewpub shall appoint a licensed wholesaler designee in order to preserve Section 28-9-1, Code of Alabama 1975, as amended. In addition, the brewpub shall be exempt from Sections 28-9-3 through 28-9-11, Code of Alabama 1975, as amended."

Yeas 45; Nays 7.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Buskey (JE), Cagle, Carothers, Clark (W), Cosby, Crow, Dolbare, Escott-Russell, Freeman, Hamilton, Haney, Harper, Hawkins, Johnson, Kennedy, Knight, Kvalheim, Mathis, McClain, McMillan, Melton, Morrow, Parker (T), Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (J), Sanderford, Spratt, Starkey, Thomas, Walker, Warren, Willis and Zoghby.

Nay:

Representatives Hall, Hill, Holley, McKee, Parker (P), Smith (C) and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 530. To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 530

The Committee of Conferees appointed to reconcile the difference between the two Houses concerning Senate Bill 530 have met, considered the matter, and agreed to the following:

Substitute for S. 530 is attached.

REP. MICHAEL BOX
REP. JAMES E. BUSKEY
REP. KEN KVALHEIM

CONFEREES OF THE HOUSE

SEN. ANN BEDSOLE
SEN. STEVE WINDOM
SEN. MICHAEL FIGURES

CONFEREES OF THE SENATE

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

"Section 1. (a) There is established in Mobile County an accountability team to assess efforts to improve education and progress in achieving the goals of the Mobile County Public School System's Strategic Plan.

"The Mobile County Education Accountability Team shall consist of nine members, three appointed by the Mobile County Commission, one from each commission district; two appointed by the delegation representing Mobile County in the Alabama House of Representatives, one of whom shall reside outside the City of Mobile; two appointed by the delegation representing Mobile County in the Alabama Senate, one of whom shall reside outside the City of Mobile; and two appointed by the Board of School Commissioners of Mobile County. The membership shall reflect as nearly as practicable the local demographics of the population of Mobile County. Members shall be appointed for four-year terms. The initial appointments shall be made within 60 days after the ratification of this amendment.

"The accountability team shall do all of the following:

"(1) Monitor all expenditures authorized by this act and report to the respective appointing authorities and to the public.

"(2) Monitor the status of implementation of the Mobile Public School Systems Strategic Plan.

"(3) Oversee the work of any similar committees established at individual schools.

"There shall be an executive director of the accountability team who shall serve at the pleasure of the team. The executive director shall be a volunteer who shall either serve without pay, be a loaned executive paid by business, or be paid by community contributions.

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"In connection with its function, the accountability team shall have access to all non-confidential files, records, audits, minutes, or other documents of the Board of School Commissioners of Mobile County.

"Each school in the Mobile County School System shall have an accountability committee. The chair of a school committee shall be a parent, but at least one teacher and the principal shall serve on the committee along with two or more other parents chosen by the Parent-Teacher Association or Parent-Teacher Organization of the school. The principal shall appoint the chair and the teacher or teachers and may appoint a member from the community who has expertise in accounting, construction management, or another field that will benefit a particular school.

"The school committees shall validate efforts in the individual school to achieve the goals established by the county accountability team. They shall report on the condition of the physical plant and oversee and update all facets of any needs assessment study. They shall report annually to the county team, to the Board of School Commissioners of Mobile County, and to the Parent-Teacher Association or Parent-Teacher Organization and parents of their individual school.

"(b) the provisions of subsection (a) of this amendment relating to accountability shall be implemented if, and only if, one or more of the proposals in Section 2 of this amendment are approved by a majority of the qualified electors voting on the proposals.

"Section 2. The Mobile County Commission shall levy, in addition to any other tax, ad valorem taxes in an amount up to 29 mills on each dollar of taxable property in the county for ten years. The revenue from the additional taxes levied pursuant to propositions 1, 4, 5, 6, 7, 8, and 9 shall be deposited in a trust fund in the county treasury to be expended for schools within the system to be distributed according to average daily attendance. The revenue from the additional taxes levied pursuant to propositions 2 and 3 shall be deposited in a trust fund in the county treasury to be expended for schools within the system with not less than one-half to be expended for schools outside the city limits of Mobile. Any person who spends funds in violation of this amendment shall be guilty of a Class A misdemeanor.

"The increase in the rate of the tax is subject to the approval of a majority of the qualified electors of the county who vote on the proposed increase at the next general, primary, constitutional, or special election for that purpose. Each proposition shall be separate on the ballot and the passage or defeat of any proposition or propositions shall not affect the passage or defeat of any other proposition or propositions.

"The electors shall indicate their choice or choices by checking any of the following propositions on the ballot:

"Shall Mobile County Commission levy additional ad valorem tax for ten years in the following millage amounts and for the following purposes:

YES___ NO___1. Five mills to purchase, install, renovate, upgrade, and repair plumbing, heating, air conditioning, and fire alarm systems, and make various improvements and related repairs to school buildings?

YES___ NO___2. Seven mills to alleviate student overcrowding by constructing classrooms to replace portable classrooms?

YES___ NO___3. Seven mills to construct, furnish, and equip additional classrooms?

YES___ NO___4. One mill to purchase library books to supplement or replace existing books at school libraries?

YES___ NO___5. Three mills to purchase and install computers, including the hardware, network, software, wiring, and furnishings necessary to provide computers?

YES___ NO___6. Two mills to purchase, construct, install and equip science laboratories and related facilities?

YES___ NO___7. One mill to improve student safety at all schools, generally as follows: installing and repairing site lights; installing a locking system for exterior and interior doors; installing a security alarm system; and installing perimeter fencing?

~~___8. One mill to retire current loans of the system?~~

YES___ NO___98. One mill to purchase new school buses?

YES___ NO___109. Two mills for general operation of the schools?

"If at the election held under and according to this amendment, a majority of the qualified electors of Mobile County vote in favor of any proposition or propositions, the Mobile County Commission shall levy the additional ad valorem tax at the rate and for the purposes approved by a majority of the electors for ten years. After ten years, the taxes authorized by this act shall terminate unless continued by an affirmative vote of the qualified electors of the county."

Section 2. This amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be

given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Mobile County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

And said Bill, S. 530, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Box, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 530, said report being set out in the foregoing Message from the Senate.

Yeas 46; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Box, Bryant, Buskey (JE), Cagle, Carothers, Clark (W), Collins, Cosby, Crow, Escott-Russell, Freeman, Gaston, Hall, Hamilton, Harper, Hill, Hogan, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McDaniel, McMillan, Melton, Mikell, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 530, as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Campbell, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Warren, White, Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 448. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 7, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>S. 437</u> - By Mitchell	29
Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.	
<u>S. 211</u> - By Bedsole	16
Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.	
<u>S. 110</u> - By Lindsey	13
Legislative security personnel, employment auth.	

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S. 305 - By Smith (J)

18

Agriculture and Industries Dept., boll weevil eradication, supp. approp.

S. 118 - By Mitchell

21

Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.

S. 595 - By Foshee

26

Highway Dept., supp. approp. from Public Road and Bridge Fund

S. 114 - By Corbett

9

County chief appraisers, min. salary schedule estab.

S. 246 - By Corbett

5

Municipalities, issuing summons and complaints for misdemeanors and violations further provided, Sec. 11-45-9.1 am'd.

S. 74 - By Owens (As Amended)

28

Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.

S. 72 - By Mitchell

19

Health ed. programs in schools, to incl. sex or illegal drug use

S. 321 - By Bailey

24

Vital statistics office estab., st. registrar estab., powers, duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50, 22-9-51, 22-9-70 to 22-9-79 repealed

S. 375 - By Lindsey

15

Oil and Gas Bd., oil and gas storage, auth. to regulate

<u>S. 93</u> - By Corbett	12
Affirmative action programs, definition of minority to incl. American Indians and Alaskan Natives	
<u>S. 452</u> - By Dixon	36
Foster Care Trust Fund, payroll deduction for st. employees estab.	
<u>S. 233</u> - By Amari (As Amended)	19
College tuition, auth. to be paid by st. for cert. students in financial need	
<u>S. 428</u> - By Horn	34
Alabama Sports Festival, officers and fulltime employees, eligible for membership in Teachers' Retirement System	
<u>S. 19</u> - By Smith (B)	39
Insurance, errors and omissions, req. of all real estate licenses	
<u>S. 61</u> - By Denton	3
County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.	
<u>S. 191</u> - By Bailey	38
Child labor, health and safety reg., conform fed. law, Secs. 25-8-1 to 25-8-31 repealed	
<u>S. 336</u> - By Ghee	25
Handicapped, guidelines for access to voter registration and polling places, Secs. 21-4-22 am'd.	
<u>S. 340</u> - By Ghee	28
Board of registrars, mileage allowance for official business, Sec. 17-4-153 am'd.	

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S. 232 - By Mitchell 44

Employees' Retirement System, cert. elected co. officials
auth. to withdraw from

S. 109 - By Mitchem (As Substituted) 10

Home Builders Licensure Bd. estab., licensing and regulation

S. 351 - By Bedsole 25

Water and Sewer Board, membership increased, Sec.
11-50-342 am'd.

S. 66 - By Windom 2

Uniform Commercial Code, Art. 4A funds transfers adopted,
Sec. 7-1-105 am'd.

S. 113 - By Windom 4

Uniform commercial code, leases incl., personnel prop.,
Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

MOTION TO ADOPT

Representative Ford offered the motion to adopt the resolution, H.R. 448.

H.R. 448 TEMPORARILY CARRIED OVER

On motion of Representative Ford, the resolution, H.R. 448, was temporarily
carried over.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Thomas, the Budget Isolation Resolution
relating to the bill, S. 604, was adopted.

Yeas 43; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Box, Bryant, Buskey (JE), Cagle, Carns, Clark (W), Crow, Curry, Escott-Russell, Freeman, Goodwin, Grayson, Hall, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Lindsey, McDaniel, McMillan, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Warren and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 604. Relating to Lowndes County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; to provide for an expense allowance for the tax assessor for administering this act; and to provide for an effective date.

was read a third time at length and passed.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Crow, Curry, Dolbare, Escott-Russell, Freeman, Hall, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Laird, Mathis, McMillan, Mikell, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Warren, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION

On motion of Representative Thomas, the Budget Isolation Resolution relating to the bill, S. 605, was adopted.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Biddle, Black (L), Bowling, Box, Bryant, Bugg, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Collins, Crow, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Goodwin, Grayson, Hall, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Mathis, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Warren, Willis and Zoghby.

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And the bill:

S. 605. Relating to Lowndes County; providing for an additional expense allowance for the Sheriff.

was read a third time at length and passed.

Yeas 56; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Collins, Crow, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Goodwin, Grayson, Hawkins, Haynes, Hill, Hogan, Johnson, Kennedy, Knight, Lindsey, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Warren, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Representative Mathis:

H.J.R. 449. COMMENDING MRS. EUNA FAYE WISE UPON HER NOMINATION FOR THE FIRST JOHN F. KENNEDY PROFILE IN COURAGE AWARD.

WHEREAS, the Legislature of Alabama notes with pride and admiration the nomination of Mrs. Euna Faye Wise for the first John F. Kennedy Profile in Courage Award; and

WHEREAS, Mrs. Wise of Samson, Alabama, is a widow and the grandmother of four, was the inspiration behind a small farming community in South Alabama working together to preserve a private retirement home and helping to promote the heritage and economy of the town of Samson through involvement in a fall festival; and

WHEREAS, the House of Lydia was built as a boarding house for retirees by the Piney Grove Baptist Church, a small rural church north of Samson, and was not required to install fire safety equipment; and

WHEREAS, the House of Lydia opened its doors to people who required assistance with daily living, and the Alabama Department of Public Health required compliance with fire code regulations as a prerequisite for licensing as an assisted-care facility; and

WHEREAS, due to a lack of funding, Mrs. Wise was instrumental in asking city and county government officials and Samson businesses to form a corporation to oversee the daily operation of the facility and begin to raise the estimated \$40,000 needed to fund the fire equipment costs; and

WHEREAS, the same unselfish desire Mrs. Wise demonstrated to the town to work with the community to preserve the House of Lydia also has helped increase the interest in preserving the history of Samson and the rural South through the establishment of the Samson Log House Museum and the annual Samson Fall Folk Festival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and commend Mrs. Euna Faye Wise for outstanding community leadership, service, and on her nomination for the first John F. Kennedy Profile in Courage Award, and do further direct that she receive a copy of this resolution of respect, gratitude, and warmest personal regard.

On motion of Representative Mathis, the rules were suspended and the resolution, H.J.R. 449, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 840. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

H. 845. Relating to Chambers County; creating the Chambers County Economic Progress and Community Investment Trust Fund and an advisory committee to assist the county commission in administering it, authorizing the county commission to levy an additional ad valorem tax, providing for a referendum, and an expiration date.

Also:

H. 849. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 851. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 855. Relating to Chilton County; to amend Section 3 of Act No. 87-176, H. 435, 1987 Regular Session (Acts 1987, p. 237), which levies an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of the tax, and to provide for a referendum.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 625. Relating to Mobile County; to alter and rearrange the boundaries of

the municipalities of Mobile and Saraland, so as to take certain land out of Mobile and place it in Saraland.

Also:

H. 863. Relating to Lee County; to provide that a motor vehicle left unattended on private property posted in accordance with this act without the express or implied permission of the owner or lessee of the property shall be considered an abandoned motor vehicle and may be towed or wheel locked.

Also:

H. 864. Providing for a certain additional recording fee for certain documents filed for record in the office of the Judge of Probate of Marshall County; and to provide for distribution and use of the proceeds from the additional fees.

Also:

H. 865. Relating to Lee County; amending Act No. 91-613, H. 1078, 1991 Regular Session, relating to a rock and gravel tax, to limit the amount of the tax.

Also:

H. 878. Relating to Colbert County, providing further for the compensation of the sheriff.

MCDOWELL LEE
Secretary

H.R. 448 RESUMED

SUBSTITUTE OFFERED

Representative Haynes offered the following substitute to the resolution, H.R. 448:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 7, 1992, taking precedence over the regular order of business or any pending or unfinished business:

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And the Following Bills:

Inst Id	Page
<u>S. 437</u> - By Mitchell	29
Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.	
<u>S. 211</u> - By Bedsole	16
Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.	
<u>S. 110</u> - By Lindsey	13
Legislative security personnel, employment auth.	
<u>S. 305</u> - By Smith (J)	18
Agriculture and Industries Dept., boll weevil eradication, supp. approp.	
<u>S. 118</u> - By Mitchell	21
Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.	
<u>S. 595</u> - By Foshee	26
Highway Dept., supp. approp. from Public Road and Bridge Fund	
<u>S. 114</u> - By Corbett	9
County chief appraisers, min. salary schedule estab.	
<u>S. 246</u> - By Corbett	5
Municipalities, issuing summons and complaints for misdemeanors and violations further provided, Sec. 11-45-9.1 am'd.	

<u>S. 31</u> - By Dial	17
Alabama National Guard, ed. benefits for membrs.	
<u>S. 72</u> - By Mitchell	19
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>S. 74</u> - By Owens (As Amended)	28
Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.	
<u>S. 321</u> - By Bailey	24
Vital statistics office estab., st. registrar estab., powers, duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50, 22-9-51, 22-9-70 to 22-9-79 repealed	
<u>S. 375</u> - By Lindsey	15
Oil and Gas Bd., oil and gas storage, auth. to regulate	
<u>S. 93</u> - By Corbett	12
Affirmative action programs, definition of minority to incl. American Indians and Alaskan Natives	
<u>S. 452</u> - By Dixon	36
Foster Care Trust Fund, payroll deduction for st. employees estab.	
<u>S. 233</u> - By Amari (As Amended)	19
College tuition, auth. to be paid by st. for cert. students in financial need	
<u>S. 428</u> - By Horn	34
Alabama Sports Festival, officers and fulltime employees, eligible for membership in Teachers' Retirement System	
<u>S. 19</u> - By Smith (B)	39
Insurance, errors and omissions, req. of all real estate licenses	

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S. 61 - By Denton

3

County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.

S. 191 - By Bailey

38

Child labor, health and safety reg., conform fed. law, Secs. 25-8-1 to 25-8-31 repealed

S. 336 - By Ghee

25

Handicapped, guidelines for access to voter registration and polling places, Secs. 21-4-22 am'd.

S. 340 - By Ghee

28

Board of registrars, mileage allowance for official business, Sec. 17-4-153 am'd.

S. 232 - By Mitchell

44

Employees' Retirement System, cert. elected co. officials auth. to withdraw from

S. 109 - By Mitchem (As Substituted)

10

Home Builders Licensure Bd. estab., licensing and regulation

S. 351 - By Bedsole

25

Water and Sewer Board, membership increased, Sec. 11-50-342 am'd.

S. 66 - By Windom

2

Uniform Commercial Code, Art. 4A funds transfers adopted, Sec. 7-1-105 am'd.

S. 113 - By Windom

4

Uniform commercial code, leases incl., personnel prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

SUBSTITUTE TABLED

On motion of Representative Ford, the substitute offered by Representative Haynes to the resolution, H.R. 448, was tabled.

Yeas 32; Nays 26.

Yea:

Mr. Speaker, Barnes, Bowling, Box, Bryant, Bugg, Buskey (JE), Carns, Clark (W), Collins, Cosby, Curry, Escott-Russell, Ford, Hamilton, Haney, Hawkins, Higginbotham, Hill, Holladay, Johnson, Knight, Parker (T), Powell, Rich, Sanderford, Sanderson, Smith (R), Spratt, Walker, Warren and White.

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Nay:

Representatives Anderson, Beasley, Biddle, Cagle, Crow, Freeman, Goodwin, Grayson, Hall, Haynes, Hogan, Kennedy, Laird, Layson, McClain, McDowell, Morrow, Morton, Parker (P), Payne, Poole, Rockhold, Smith (C), Starkey, Thomas and Willis.

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AMENDMENT OFFERED

Representative McKee offered the following amendment to the resolution, H.R. 448:

Amend H.R. 448 of page 2 line 27 by deleting S. 428

SUBSTITUTE OFFERED

Representative Ford offered the following substitute to the resolution, H.R. 448, and to the pending amendment offered by Representative McKee:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 7, 1992, taking precedence over the regular order of business or any pending or unfinished business:

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And the Following Bills:

Inst Id	Page
<u>S. 437</u> - By Mitchell	29
Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1 through 12-4-4 repealed, Sec. 12-2-159 am'd.	
<u>S. 211</u> - By Bedsole	16
Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.	
<u>S. 110</u> - By Lindsey	13
Legislative security personnel, employment auth.	
<u>S. 305</u> - By Smith (J)	18
Agriculture and Industries Dept., boll weevil eradication, supp. approp.	
<u>S. 118</u> - By Mitchell	21
Handicapped parking, uniform system instituted for safety, license fees estab., Secs. 32-6-230 through 32-6-234, 40-12-300 am'd.	
<u>S. 595</u> - By Foshee	26
Highway Dept., supp. approp. from Public Road and Bridge Fund	
<u>S. 114</u> - By Corbett	9
County chief appraisers, min. salary schedule estab.	
<u>S. 246</u> - By Corbett	5
Municipalities, issuing summons and complaints for misdemeanors and violations further provided, Sec. 11-45-9.1 am'd.	

<u>S. 74</u> - By Owens (As Amended)	28
Corrections institution finance authority, auth. to issue add'l. bonds for purpose of constructing facilities, Sec. 14-2-12 am'd.	
<u>S. 72</u> - By Mitchell	19
Health ed. programs in schools, to incl. sex or illegal drug use	
<u>S. 321</u> - By Bailey	24
Vital statistics office estab., st. registrar estab., powers, duties, Secs. 22-9-1 to 22-9-12, 22-9-30 to 22-9-35, 22-9-50, 22-9-51, 22-9-70 to 22-9-79 repealed	
<u>S. 375</u> - By Lindsey	15
Oil and Gas Bd., oil and gas storage, auth. to regulate	
<u>S. 93</u> - By Corbett	12
Affirmative action programs, definition of minority to incl. American Indians and Alaskan Natives	
<u>S. 452</u> - By Dixon	36
Foster Care Trust Fund, payroll deduction for st. employees estab.	
<u>S. 233</u> - By Amari (As Amended)	19
College tuition, auth. to be paid by st. for cert. students in financial need	
<u>S. 428</u> - By Horn	34
Alabama Sports Festival, officers and fulltime employees, eligible for membership in Teachers' Retirement System	
<u>S. 31</u> - By Dial	
<u>S. 19</u> - By Smith (B)	39
Insurance, errors and omissions, req. of all real estate licenses	

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S. 61 - By Denton 3

County engineer trainees, salary scale incr. if registered, with one yr. of trainee experience, Highway Dept. pays 50% of salary, Sec. 11-6-23 am'd.

S. 191 - By Bailey 38

Child labor, health and safety reg., conform fed. law, Secs. 25-8-1 to 25-8-31 repealed

S. 336 - By Ghee 25

Handicapped, guidelines for access to voter registration and polling places, Secs. 21-4-22 am'd.

S. 340 - By Ghee 28

Board of registrars, mileage allowance for official business, Sec. 17-4-153 am'd.

S. 232 - By Mitchell 44

Employees' Retirement System, cert. elected co. officials auth. to withdraw from

S. 109 - By Mitchem (As Substituted) 10

Home Builders Licensure Bd. estab., licensing and regulation

S. 351 - By Bedsole 25

Water and Sewer Board, membership increased, Sec. 11-50-342 am'd.

S. 66 - By Windom 2

Uniform Commercial Code, Art. 4A funds transfers adopted, Sec. 7-1-105 am'd.

S. 113 - By Windom 4

Uniform commercial code, leases incl., personnel prop., Secs. 7-1-105, 7-1-201, 7-9-113, 35-4-54, 35-4-94 am'd.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 9.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Carns, Carothers, Carter, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Kennedy, Knight, Kvalheim, Letson, Lindsey, Mathis, McClain, McDaniel, Mikell, Millican, Morton, Newton (C), Parker (P), Payne, Penry, Petelos, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Grayson, Hamilton, Holmes, Hooper, Laird, McDowell, McKee, Richardson and Walker.

- 9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 443. RESOLUTION TO EXPRESS LEGISLATIVE INTENT REGARDING INVESTMENT BY THE STATE OF ALABAMA DEPARTMENT OF FINANCE, DIVISION OF RISK MANAGEMENT, IN CONSTRUCTION OF NEW VETERANS HOMES FOR THE DEPARTMENT OF VETERANS AFFAIRS.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

**REGULAR SESSION
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H. 88. Reappropriating certain funds to the Attalla Board of Education and permitting the board of education to expend the funds for educational purposes.

MCDOWELL LEE
Secretary

H.R. 448 RESUMED

AMENDMENT OFFERED

Representative McKee offered the following amendment to the resolution, H.R. 448, as amended:

Amend H.R. 448 on page 2 line 27 by deleting S. 428

MOTION TO TABLE LOST

The motion offered by Representative Ford to table the amendment offered by Representative McKee to the resolution, H.R. 448, as amended, was lost.

Yeas 31; Nays 36.

Yea:

Mr. Speaker, Barnes, Biddle, Black (M), Box, Buskey (JE), Carns, Clark (W), Curry, Escott-Russell, Ford, Freeman, Gaines, Harper, Harvey, Hawkins, Higginbotham, Holladay, Holley, Kennedy, Knight, Lindsey, McClain, McDowell, Melton, Parker (P), Penry, Rogers (J), Spratt, Turnham and Warren.

-31

Nay:

Representatives Anderson, Beasley, Blakeney, Bugg, Cosby, Crow, Cullins, Dolbare, Fuller, Goodwin, Grayson, Hamilton, Haney, Hooper, Laird, Layson, McDaniel, McKee, Mikell, Morrow, Morton, Newton (C), Parker (T), Payne, Petelos, Poole, Powell, Rich, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Walker, Williams and Willis.

-36

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 179. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1993 for educational purposes.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 181. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1993 for educational purposes.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 180. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

H.R. 448 RESUMED

MOTION TO TABLE LOST

The motion offered by Representative McDowell to table the amendment offered by Representative McKee to the resolution, H.R. 448, as amended, was lost.

Yeas 24; Nays 35.

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Yea:

Mr. Speaker, Anderson, Barnes, Black (L), Box, Bryant, Burke, Buskey (JE), Clark (W), Escott-Russell, Ford, Freeman, Gaines, Harvey, Kennedy, McClain, McDowell, Melton, Parker (P), Petelos, Rogers (J), Smith (C), Turnham and Warren.

-24

Nay:

Representatives Blakeney, Collins, Crow, Curry, Dolbare, Drake, Gaston, Grayson, Gullatt, Hamilton, Haney, Holladay, Hooper, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Powell, Rich, Sanderford, Sanderson, Smith (R), Walker, Willis and Zoghby.

-35

MOTION TO ADJOURN LOST

The motion offered by Representative Payne that the House adjourn until 10:30 o'clock a.m., Monday, May 18, 1992, was lost.

Yeas 18; Nays 68.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Clay, Cullins, Drake, Escott-Russell, Goodwin, Grayson, Haney, Haynes, Morton, Payne, Rogers (F), Rogers (J), Sanderford and Smith (R).

-18

Nay:

Mr. Speaker, Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Hall, Hamilton, Hammett, Harper, Harvey, Hawkins, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Penry, Petelos, Powell, Rich, Rockhold, Sanderson, Smith (C), Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-68

H.R. 448 RESUMED

The question was then on the adoption of the amendment offered by Representative McKee to the resolution, H.R. 448, as amended, and the amendment was adopted.

Yeas 54; Nays 26.

Yea:

Representatives Beasley, Black (L), Blakeney, Box, Bugg, Cagle, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Fuller, Gaston, Grayson, Gullatt, Hamilton, Hammett, Haney, Harvey, Hill, Hogan, Holladay, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Venable, Walker, Willis and Zoghby.

-54

Nay:

Mr. Speaker, Barnes, Biddle, Black (M), Bryant, Burke, Buskey (JE), Carns, Clark (W), Escott-Russell, Flowers, Ford, Freeman, Gaines, Hall, Hawkins, Holley, Kennedy, Lindsey, McClain, McDowell, Melton, Rogers (J), Smith (C), Warren and White.

-26

AMENDMENT OFFERED

Representative Carothers offered the following amendment to the resolution, H.R. 448, as amended:

Amend H.R. 448 on page 2, line 26 by adding the following: S. 247 by Foshee page 15

AMENDMENT TABLED

On motion of Representative Drake, the amendment offered by Representative Carothers to the resolution, H.R. 448, as amended, was tabled.

Yeas 65; Nays 11.

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Yea:

Representatives Anderson, Barnes, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Clark (W), Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Gaston, Goodwin, Grayson, Gullatt, Hamilton, Haney, Harvey, Hawkins, Hogan, Holladay, Holmes, Hooper, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Morrow, Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Starkey, Turnham, Venable, Walker, Williams and Willis.

-65

Nay:

Representatives Biddle, Carothers, Ford, Freeman, Hall, Haynes, Holley, Johnson, Mathis, Newton (C) and Poole.

-11

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the resolution, H.R. 448, as amended:

Amend Sub to H.R. 448, page 2 line 18 by deleting S. 93

AMENDMENT TABLED

On motion of Representative Dolbare, the amendment offered by Representative Holmes to the resolution, H.R. 448, as amended, was tabled.

Yeas 43; Nays 11.

Yea:

Representatives Blakeney, Box, Cagle, Carns, Crow, Dolbare, Ford, Gaston, Hamilton, Haney, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Kvalheim, Laird, Layson, Letson, McDaniel, McKee, McMillan, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Powell, Rich, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Venable, Walker, Warren, Williams and Willis.

-43

Nay:

Representatives Barnes, Bugg, Burke, Clay, Escott-Russell, Grayson, Holmes, McClain, McDowell, Mikell and Rogers (J).

-11

AMENDMENT OFFERED

Representative Buskey (JL) offered the following amendment to the resolution, H.R. 448, as amended:

Amend on page 3, line 28 by adding the following: S. 14 and S. 15 by Sen. Langford

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Buskey (JL) to the resolution, H.R. 448, as amended, was tabled.

Yeas 25; Nays 24.

Yea:

Representatives Box, Cagle, Carns, Crow, Cullins, Dolbare, Ford, Gaston, Harvey, Hawkins, Higginbotham, Holladay, Hooper, Johnson, Kvalheim, Lindsey, McKee, Parker (T), Petelos, Powell, Rich, Sanderson, Walker, Warren and Willis.

-25

Nay:

Representatives Barnes, Biddle, Black (M), Buskey (JE), Buskey (JL), Clark (W), Clay, Escott-Russell, Freeman, Grayson, Hall, Hogan, Holmes, Kennedy, McClain, McDowell, Melton, Morrow, Newton (C), Payne, Penry, Rogers (J), Smith (C) and Venable.

-24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the resolution, H.R. 448, as amended:

On page 3, delete all language on lines 17 and 18.

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Rogers (J) to the resolution, H.R. 448, as amended, was tabled.

Yeas 48; Nays 17.

Yea:

Mr. Speaker, Biddle, Blakeney, Bugg, Buskey (JE), Cagle, Carns, Collins, Cosby, Crow, Dolbare, Ford, Freeman, Gaston, Hall, Hammett, Haney, Harvey, Hawkins, Higginbotham, Hogan, Holladay, Hooper, Johnson, Kvalheim, Layson, Letson, McDaniel, McKee, McMillan, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Powell, Rich, Rogers (F), Sanderford, Smith (C), Smith (R), Venable, Walker, Warren and Willis.

-48

Nay:

Representatives Barnes, Black (L), Black (M), Bowling, Bryant, Burke, Buskey (JL), Escott-Russell, Grayson, Haynes, Holmes, Kennedy, McClain, McDowell, Poole, Richardson and Rockhold.

-17

MOTION TO ADJOURN LOST

The motion offered by Representative Perdue that the House adjourn until 10:30 o'clock a.m., Monday, May 18, 1992, was lost.

MOTION TO RECESS LOST

The motion offered by Representative Barnes that the House recess to the call of the Chair was lost.

H.R. 448 RESUMED**AMENDMENT OFFERED**

Representative Anderson offered the following amendment to the resolution, H.R. 448, as amended:

Amend H.R. 448 on Page 1, line 30 deleting S. 595

AMENDMENT TABLED

On motion of Representative Ford, the amendment offered by Representative Anderson to the resolution, H.R. 448, as amended, was tabled.

Yeas 59; Nays 12.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Bowling, Box, Burke, Butler, Cagle, Carns, Carter, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Ford, Freeman, Gaines, Gaston, Hall, Hamilton, Hammett, Haney, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Layson, Letson, McDaniel, McKee, McMillan, Melton, Mikell, Millican, Newton (C), Newton (D), Parker (P), Parker (T), Petelos, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Smith (R), Venable, Warren, White and Willis.

-59

Nay:

Representatives Anderson, Barnes, Black (M), Escott-Russell, Grayson, Kennedy, McClain, McDowell, Morrow, Payne, Poole and Rogers (J).

-12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 526. To amend Section 39-7-14, Code of Alabama 1975, relating to boards of trustees of municipal improvement authorities; and to provide that those boards shall consist of five members that are qualified electors residing in the area serviced by the authority.

MCDOWELL LEE
Secretary

MOTION TO ADJOURN LOST

The motion offered by Representative Grayson that the House adjourn until 10:30 o'clock a.m., Monday, May 18, 1992, was lost.

Yeas 21; Nays 48.

Yea:

Representatives Anderson, Barnes, Biddle, Black (L), Bowling, Buskey (JL), Clay, Cosby, Drake, Escott-Russell, Goodwin, Haney, Haynes, Holmes, McClain, McDowell, Payne, Rogers (F), Rogers (J), Sanderford and Smith (R).

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Nay:

Mr. Speaker, Beasley, Black (M), Blakeney, Box, Burke, Carns, Collins, Crow, Curry, Ford, Freeman, Gaines, Gaston, Gullatt, Hall, Hammett, Harvey, Hawkins, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Letson, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Rich, Rockhold, Sanderson, Smith (C), Venable, Walker, Warren, White, Willis and Zoghby.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 565. To propose an amendment to the Constitution of Alabama of 1901 to levy a one cent sales and use tax in Limestone County for the Athens City Board of Education and the Limestone County Board of Education.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 539. Relating to Etowah County, to provide that the office of Mayor of Rainbow City shall be full-time and to provide further for the compensation of the Mayor.

Also:

H. 740. Relating to Lee County; granting to the county commission certain power and authority relative to public improvements in certain areas lying outside the corporate limits of any municipality in the county; providing certain exceptions; providing for the assessment against the improved property of the cost and expenses of materials and labor used if the improvements are approved by at least three-fourths of the property owners affected; authorizing, providing for, and regulating hearings relative to the assessments and appeals therefrom; providing for the collection of the assessments by the Lee County Tax Collector; and investing the Lee County Commission with the same powers and authority relative to the collection of improvement assessments and liens therefor as municipalities relative to municipal improvement assessments, not inconsistent with other provisions of this bill.

Also:

H. 780. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business

pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 753. Relating to Baldwin County; providing for an additional expense allowance for the Sheriff of Baldwin County commencing on the effective date of this act until the expiration of the term of office in January 1995.

Also:

H. 760. Relating to county health officers or administrators in Talladega County; authorizing those officers or administrators to issue official death certificates; and providing that fees collected for certain services shall be accounted for and remitted to the treasurer of the county board of health for custody subject to disbursement in the interest of health services in the county.

Also:

H. 800. Relating to Barbour County; to provide for the appointment of additional members to the board of registrars.

Also:

H. 803. Relating to St. Clair County; providing for an additional expense allowance for the Sheriff.

Also:

H. 788. Relating to Blount County; authorizing the county commission to levy an additional ad valorem tax; creating the Blount County Water Authority; and providing for a referendum.

Also:

H. 825. Relating to Cullman County; to amend Act No. 79-574, H. 995, 1979 Regular Session, as amended, which established a county personnel board, so as to provide further for the compensation of the chairman of the board.

Also:

H. 826. Relating to Cullman County; to amend Section 2 of Act No. 80-549, H. 967, 1980 Regular Session (Acts 1980, p. 851) which provides further for said county personnel board, so as to provide further for the sheriff's department to be included under the civil service system.

Also:

H. 831. Authorizing the Pickens County Commission to levy additional sales and use taxes paralleling the state sales and use taxes provided for in Sections 40-23-1 to 40-23-4, inclusive, and 40-23-60 to 40-23-63, inclusive, Code of Alabama 1975; providing for the collection, distribution, and use of the proceeds of the tax; providing penalties for the enforcement of the act and providing for a referendum.

Also:

H. 752. Relating to the total compensation for the Sheriff of Baldwin County, commencing with the next term of office; repealing any expense allowance commencing with the next term of office and thereafter.

Also:

H. 801. Relating to Fayette County; to provide for a rehabilitation board to supervise and administer the rehabilitation processes of this act; to provide further for the carrying out of the provisions of this act, and to repeal all laws or parts of laws which conflict with this act.

Also:

H. 814. To amend Act No. 89-465 of the Regular Session of the Legislature of Alabama of 1989, approved May 4, 1989, to provide further for the terms and compensation of the board of directors of a public water authority in Marion County and to ratify and confirm certain compensation paid to the members of the

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board prior to the effective date of this act.

Also:

H. 812. Relating to the City of Jasper in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Jasper Police Officers and all City of Jasper Jailers covered by the Minimum Standards Act, to provide for the City Council of Jasper to increase the amount of hazardous duty payments; and to provide for implementation of this act.

Also:

H. 827. To amend Section 1 of Act No. 89-721, H. 1044, 1989 Regular Session, to provide for the expense allowance of the Coroner of Marengo County and to provide for retroactive effect.

Also:

H. 604. Providing further for the salary of the sheriff of Lee County, Alabama.

Also:

H. 708. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of New Site in Tallapoosa County.

Also:

H. 717. Relating to Baldwin County; providing a county supplement for court reporters in the Twenty-eighth Judicial Circuit; repealing conflicting laws; and providing for a retroactive effective date.

Also:

H. 804. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Margaret in St. Clair County.

Also:

H. 805. Relating to Dallas County; to establish a legislative delegation office in the county, and to provide for its funding, personnel, and administration.

Also:

H. 806. Relating to Talladega County; amending Act No. 87-416, H. 880,

1987 Regular Session, to increase the pistol permit fees.

Also:

H. 807. To amend Section 4 of Act No. 87-422, H. 877, 1987 Regular Session, to exempt the City Clerk of Talladega, Alabama, from the city civil service system.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 799. To propose an amendment to the Constitution of Alabama of 1901 to provide for the election of the Talladega City Board of Education.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 566. To levy and impose on lessors or renters of tangible personal property in Shelby County an additional license or privilege tax based on the gross proceeds of such business of leasing or renting tangible personal property payable to the license commissioner of Shelby County, to be deposited into the general fund of the county treasury for the use of Shelby County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 634. Providing for a District Attorney's Fund for the 7th Judicial Circuit.

Also:

H. 718. To amend Act No. 489 (H. 1034) of the 1975 Alabama Legislature, so as to provide that in Madison County the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person shall be Ten (\$10) Dollars, and to provide for the use of a portion of the funds derived from the issuance of such permits.

Also:

H. 802. Relating to Madison County; authorizing the Madison County Commission and the Sheriff's Department of the county to prohibit the accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; requiring a county license to operate a junkyard; and providing fines for violations.

Also:

H. 848. Relating to Russell County; authorizing the county commission, upon a request from the governing bodies of the Cities of Phenix City and Hartsboro, to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 858. Requiring the Mobile County Commission to provide certain compensation to any circuit judge in the 13th Judicial Circuit who is entitled to purchase any prior service credit in the Judicial Retirement Fund under Section 12-18-8.2 of the Code of Alabama 1975.

Also:

H. 738. Relating to Calhoun County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether the sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; and to provide a method for the sale of the property and the report of the amount of taxes collected from the sale.

Also:

H. 745. To amend Section 2 of Act No. 433, H. 693, Regular Session 1969, approved August 19, 1969 (Acts of Alabama 1969, p. 839), as amended, relating to the fee for the issuance of pistol permits issued by the sheriff in Limestone County to further provide for the distribution of the fee.

Also:

H. 834. Relating to Coosa County; to create a license-issuing division within the office of the judge of probate for the issuance of certain licenses; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses and boat licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle and boat licenses; to provide that the fees shall be established by the county commission to pay the

cost of mailing tags or decals; to prescribe more convenient and efficient procedures for the assessing and collecting of certain taxes; to provide for the issuance of licenses by the office of the judge of probate; to transfer certain duties now performed by the revenue commissioner to the judge of probate; to provide that the salary of the judge of probate not be increased for the performance of these additional duties.

Also:

H. 859. Relating to Coosa County; to provide that the Coosa County Commission may establish and adopt voting centers by resolution.

Also:

H. 860. Relating to Coosa County, to provide for the selling and redeeming lands for taxes.

Also:

H. 861. Relating to Elmore County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; and providing for an advisory referendum.

Also:

H. 880. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

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H. 841. To propose an amendment to the Constitution of Alabama of 1901, and to authorize the County Commission of Geneva County to levy and collect certain additional property taxes for the maintenance of the jail and courthouse.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 625. Relating to Mobile County; to alter and rearrange the boundaries of the municipalities of Mobile and Saraland, so as to take certain land out of Mobile and place it in Saraland.

Also:

H. 863. Relating to Lee County; to provide that a motor vehicle left unattended on private property posted in accordance with this act without the express or implied permission of the owner or lessee of the property shall be considered an abandoned motor vehicle and may be towed or wheel locked.

Also:

H. 864. Providing for a certain additional recording fee for certain documents filed for record in the office of the Judge of Probate of Marshall County; and to provide for distribution and use of the proceeds from the additional fees.

Also:

H. 865. Relating to Lee County; amending Act No. 91-613, H. 1078, 1991 Regular Session, relating to a rock and gravel tax, to limit the amount of the tax.

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Also:

H. 878. Relating to Colbert County, providing further for the compensation of the sheriff.

Also:

H. 840. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

H. 845. Relating to Chambers County; creating the Chambers County Economic Progress and Community Investment Trust Fund and an advisory committee to assist the county commission in administering it, authorizing the county commission to levy an additional ad valorem tax, providing for a referendum, and an expiration date.

Also:

H. 849. Relating to Washington County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 851. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

H. 855. Relating to Chilton County; to amend Section 3 of Act No. 87-176, H. 435, 1987 Regular Session (Acts 1987, p. 237), which levies an additional ad valorem tax not to exceed five mills, so as to provide further for the distribution of the proceeds of the tax, and to provide for a referendum.

Also:

H.J.R. 443. RESOLUTION TO EXPRESS LEGISLATIVE INTENT REGARDING INVESTMENT BY THE STATE OF ALABAMA DEPARTMENT OF FINANCE, DIVISION OF RISK MANAGEMENT, IN CONSTRUCTION OF NEW VETERANS HOMES FOR THE DEPARTMENT OF VETERANS AFFAIRS.

Also:

H. 88. Reappropriating certain funds to the Attalla Board of Education and permitting the board of education to expend the funds for educational purposes.

Also:

H. 798. Relating to alcoholic beverages; to further regulate the manufacture and sale of beer in wet counties and wet municipalities by providing for the licensing of brewpubs to brew and sell beer on the same premises for on-premises consumption only; to limit the production to 10,000 barrels per year; to exempt brewpub licensees from the provisions of section 28-3-4 and subsection (b) of section 28-3A-6, Code of Alabama 1975, as amended, with regard to beer brewed and dispensed at retail on the brewpub premises; to provide for license fees and taxes; and to proscribe unlawful acts so that a violation of this Act shall effect an automatic revocation of the brewpub license.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolution, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H.R. 448 RESUMED

SUBSTITUTE OFFERED

Representative Venable offered the following substitute to the resolution, H.R. 448, as amended:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the twenty-ninth legislative day, Thursday, May 7, 1992, taking precedence over the regular order of business or any pending or unfinished business:

And the Following Bills:

Inst Id	Page
<u>S. 437</u> - By Mitchell	29

Supreme ct., cts. of appeal, st. law library employees, personnel procedures, st. law librarian not to serve as marshal, Secs. 12-2-150 thru 12-2-156, 12-4-1- through 12-4-4 repealed, Sec. 12-2-159 am'd.

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S. 211 - By Bedsole

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Emergency telephone services, dists., corp. structure of bd., powers expanded, Secs. 11-98-1, 11-98-2, 11-98-4, 11-98-5, 11-98-6 am'd.

S. 110 - By Lindsey

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Legislative security personnel, employment auth.

S. 305 - by Smith (J)

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Agriculture and Industries Dept., boll weevil eradication, supp. approp.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 13.

Yea:

Mr. Speaker, Anderson, Beasley, Black (M), Blakeney, Bowling, Box, Bugg, Burke, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Ford, Freeman, Fuller, Gaston, Gullatt, Hall, Haney, Harvey, Hawkins, Higginbotham, Hogan, Holladay, Holley, Hooper, Johnson, Kvalheim, Layson, Lindsey, Mathis, McMillan, Melton, Mikell, Millican, Morrow, Newton (C), Parker (P), Parker (T), Powell, Richardson, Rockhold, Sanderford, Sanderson, Smith (R), Starkey, Venable, Warren, Williams and Willis.

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Nay:

Representatives Black (L), Bryant, Buskey (JE), Clark (W), Haynes, Hill, Kennedy, Knight, McClain, McKee, Poole, Rogers (F) and Rogers (J).

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

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H. 179. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1993 for educational purposes.

Also:

H. 180. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1993.

Also:

H. 181. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1993 for educational purposes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 530. To propose an amendment to the Constitution of Alabama of 1901 to establish an education accountability team in Mobile County; to provide for the levy of an additional ad valorem tax to finance schools; and to provide penalties.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after

the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 601. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Also:

S. 602. Relating to Conecuh County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Also:

S. 603. Relating to Choctaw County, to provide further for the expense allowance for the office of Choctaw County Coroner.

Also:

S. 606. Relating to any Class 2 municipality; to provide for the authority of the city to prescribe standards for the continued use and occupancy of buildings; to provide administrative review; to provide civil penalties; and to provide for collection and enforcement of the penalties.

Also:

S. 609. Relating to Clarke County, to provide for the levy, collection, and distribution of an additional tax on tobacco and tobacco products.

Also:

S. 613. Relating to Colbert County; fixing the fee for the issuance of pistol permits, providing for the deposit of the fees in a fund known as the Sheriff's Special Fund, and providing for the disposition of these fees, and specifically repealing Act No. 81-227, H. 669, 1981 Regular Session (Acts 1981, p. 306).

Also:

S. 615. Relating to Perry County; to create a motor vehicle license and title

division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; and to provide for an effective date.

Also:

S. 617. Relating to Marshall County; to require that all constables, elected or appointed in the county after the effective date of this act, shall have attended and completed a course of study at a police academy and shall be in full compliance with the minimum standards under the Peace Officers' Standards and Training Statutes, and to exempt any constable holding office in Marshall County on the effective date of this act from its provisions.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 182. Relating to Etowah County, authorizing the county commission to levy an annual license or privilege fee upon certain businesses, vocations, occupations, callings, or professions; authorizing the county commission to promulgate necessary rules and regulations; providing for the allocation of fee receipts; and providing a prospective effective date.

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Also:

S. 561. To alter, rearrange, and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: as described herein, the Mobile Municipal Airport and certain areas surrounding the same, to the city; to provide for certain city ad valorem tax exemptions; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Also:

S. 572. Relating to Clay County; to increase the emergency telephone service charges and to provide for a referendum.

Also:

S. 577. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Hollingers Island, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Also:

S. 578. Relating to Mobile County; to allow persons, regardless of profession, to be duly appointed to and to serve on any Mobile County board or commission dealing with the planning, zoning, or subdivision of real estate within any such municipality within Mobile County; and making the effect retroactive to January 1, 1973.

Also:

S. 579. To alter, rearrange and redefine the boundaries and corporate limits of the City of Mobile in Mobile County, Alabama, annexing certain territory, to-wit: Cypress Shores and Todd Acres, to the city; to provide for certain city ad valorem tax exemption; to provide for municipal jurisdiction and reapportionment of certain city council district boundaries; and to provide for a referendum.

Also:

S. 586. Relating to the City of Daleville in Dale County: Authorizing the City of Daleville as a municipal corporation to establish, purchase, construct, maintain and operate a television cable system and to furnish television cable service to the residents of the city and to residents of the municipal corporations and surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporation in connection with such systems; providing

for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 587. Relating to Cleburne County; to increase the emergency telephone service charges and to provide for a referendum.

Also:

S. 590. Regulating sales of alcoholic beverages in Calhoun County; imposing a sales tax on spirituous or vinous liquors sold for on-premises consumption in the county; providing for the administration and enforcement of this act; providing penalties for violations; and specifically repealing Act No. 1014, S. 1134 of the 1975 Regular Session and Act No. 2220, H. 2829 of the 1971 Regular Session.

Also:

S. 591. Relating to Calhoun County; providing further for the distribution of the beer taxes imposed pursuant to Section 28-3-190, Code of Alabama 1975 and providing for retroactive effect.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 604. Relating to Lowndes County; to create a motor vehicle license and title division within the office of tax assessor for the issuance of motor vehicle licenses and titles; to provide for the selection of personnel for the license-issuing

division; to provide certain duties for the division; to provide for an optional procedure for the renewal by mail of motor vehicle licenses in the county; to authorize certain additional fees and costs for the system of renewal of motor vehicle licenses by mail; to provide that fees shall be in an amount determined by the county commission to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting certain taxes; to provide for the issuance of motor vehicle licenses and titles by office of the tax assessor; to transfer certain duties of the judge of probate and tax collector to the tax assessor; to provide for an expense allowance for the tax assessor for administering this act; and to provide for an effective date.

Also:

S. 605. Relating to Lowndes County; providing for an additional expense allowance for the Sheriff.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 121. CREATING A JOINT COMMITTEE TO STUDY AND PROVIDE FOR THE CONSTRUCTION OF A VETERANS MONUMENT ON THE STATE CAPITOL GROUNDS OR WITHIN THE STATE CAPITOL COMPLEX.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been

dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

H.R. 448 RESUMED

MOTION IN WRITING ADOPTED

Representative Hooper offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 28; Nays 21.

Yea:

Mr. Speaker, Beasley, Burke, Carns, Clay, Collins, Dolbare, Ford, Freeman, Gaston, Hammett, Haney, Harvey, Hawkins, Hooper, Knight, Mathis, McKee, Mikell, Morton, Newton (C), Parker (P), Parker (T), Petelos, Powell, Sanderson, Smith (C) and White.

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Nay:

Representatives Anderson, Biddle, Bowling, Box, Bugg, Buskey (JE), Clark (W), Cullins, Drake, Escott-Russell, Grayson, Hall, Kennedy, McClain, McDowell, Melton, Morrow, Payne, Rogers (F), Rogers (J) and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the resolution, H.R. 448, as amended, was adopted.

Yeas 60; Nays 20.

Yea:

Mr. Speaker, Beasley, Black (L), Black (M), Bowling, Box, Bryant, Bugg,

Burke, Cagle, Carns, Carothers, Carter, Clay, Collins, Cosby, Crow, Dolbare, Ford, Freeman, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McKee, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Petelos, Poole, Rogers (F), Sanderson, Smith (C), Venable, Warren, White, Williams, Willis and Zoghby.

-60

Nay:

Representatives Anderson, Barnes, Biddle, Buskey (JE), Buskey (JL), Clark (W), Drake, Escott-Russell, Grayson, Hall, Haney, Holmes, Kennedy, McClain, Payne, Perdue, Rich, Richardson, Rogers (J) and Spratt.

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RESOLUTIONS

The following resolution was introduced:

By Representative Holmes:

H.J.R. 450. RECOGNIZING JUDGE FRANK M. JOHNSON, JR. ON THE NAMING OF THE FEDERAL COURTHOUSE IN MONTGOMERY IN HIS HONOR AND COMMENDING HIM ON HIS ELEVATION TO SENIOR STATUS ON THE ELEVENTH CIRCUIT COURT OF APPEALS.

WHEREAS, on October 30, 1991, his 73rd birthday, Judge Frank M. Johnson, Jr. took senior status on the Eleventh Circuit Court of Appeals; and

WHEREAS, in recognition of Judge Johnson's distinguished and courageous service of 36 years on the federal bench, the U.S. Congress has named the Federal Building and United States Courthouse in Montgomery, the "Frank M. Johnson, Jr. Federal Building and United States Courthouse"; and

WHEREAS, Frank Minis Johnson, Jr. was born in 1918 in Winston County, Alabama, and married Ruth Jenkins in 1938; and

WHEREAS, Judge Johnson attended public schools in Winston County, Gulf Coast Military Academy in Mississippi, Massy Business College in Birmingham, and received his law degree from the University of Alabama in 1943; and

WHEREAS, thereafter, Judge Johnson saw combat in the infantry in France and Germany during World War II, was wounded twice in combat, and was decorated with the Purple Heart with Oak Leaf Cluster, Bronze Star, and Combat Infantryman's Medal; and

WHEREAS, upon his return to Alabama, Judge Johnson began his legal career in general practice with the firm of Curtis, Maddox & Johnson in Jasper in 1946, was appointed United States Attorney in the Northern District of Alabama in 1953, and came to Montgomery when he was named United States District Judge for the Middle District of Alabama in 1955; and

WHEREAS, in 1979, Judge Johnson was elevated to the United States Court of Appeals for the Fifth Circuit and when that circuit split in 1981, was assigned to the new Eleventh Circuit Court of Appeals, where he served until he took senior status; and

WHEREAS, Judge Johnson is best known for a series of courageous decisions involving human rights, which were summarized by television interviewer Bill Moyers in a 1980 interview with Judge Johnson in this way:

"Fate placed Frank Minis Johnson, Jr. in the nerve center of confrontation and change. To give you an idea of his impact on the South and the nation during his 24 years on the district bench, this is how he responded to the challenge. He declared segregated public transportation unconstitutional (*Browder v. Gayle* 1956). He ordered the integration of public parks (*Gilmore v. City of Montgomery*, [176 F. Supp. 210 (M.D. Ala. 1961)]), interstate bus terminals (*Lewis v. Greyhound Corporation*, [199 F. Supp. 210 (M.D. Ala. 1961)]), restaurants and restrooms (*U. S. v. City of Montgomery* 1962) and libraries and museums (*Cobb v. Montgomery Library Board* 1962). He required that blacks be registered to vote (*U.S. v. Alabama* 1961), creating a standard that was later written into the 1965 Voting Rights Act. He was the first judge to apply the one man-one vote principle to state legislative apportionment (*Reynolds v. Sims* 1964). He abolished the poll tax. He ordered Governor George Wallace to allow the civil rights march from Selma to Montgomery (*Williams v. Wallace*, [240 F. Supp. 100 (M.D. Ala. 1965)]). He ordered the first comprehensive statewide school desegregation (*Lee v. Macon County Board of Education*, [267 F. Supp. 458 (M.D. Ala. 1967) (three-judge court)]), and was the first to apply the equal protection clause of the Constitution to state laws discriminating against women (*White v. Crook*, 1966). He established the precedent that people in mental institutions have a constitutional right to treatment (*Wyatt v. Stickney*, [344 F. Supp. 373 (M.D. Ala. 1972)]), a sweeping breakthrough in mental health law. His order to eliminate jungle conditions in Alabama prisons is the landmark in prison reform (*Pugh v. Locke*, [406 F. supp. 318 (M.D. Ala. 1976)])."; and

WHEREAS, this Legislature is mindful that many of Judge Johnson's decisions have had a positive impact on our State and its citizens; and

WHEREAS, it is a fitting tribute to name the Federal Building and United States Courthouse in Montgomery in Judge Johnson's honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend Judge Frank M. Johnson on his

distinguished judicial career and recognize Judge Johnson for the high honor bestowed on him by the U.S. Congress in the naming of the Federal Building and United States Courthouse in Montgomery, the "Frank M. Johnson, Jr. Federal Building and United States Courthouse."

BE IT FURTHER RESOLVED, That Judge Johnson and his wife Ruth receive copies of this resolution, executed in sincere praise and regard, and with warm best wishes for continued good health and happiness.

MOTION TO SUSPEND RULES AND ADOPT

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 450.

DIVISION OF THE QUESTION

Representative Dolbare called for a Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Representative Holmes to suspend the rules in order to take up for immediate consideration the resolution, H.J.R. 450, and the motion was adopted.

On motion of Representative Holmes, the resolution, H.J.R. 450, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Holmes:

H.R. 451. RECOGNIZING JUDGE FRANK M. JOHNSON, JR. ON THE NAMING OF THE FEDERAL COURTHOUSE IN MONTGOMERY IN HIS HONOR AND COMMENDING HIM ON HIS ELEVATION TO SENIOR STATUS ON THE ELEVENTH CIRCUIT COURT OF APPEALS.

Also:

The following resolution was introduced:

By Representatives Hawkins, Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby:

H.J.R. 452. CONGRATULATING THE CITY OF HOOVER ON THE 25TH ANNIVERSARY OF ITS CHARTER.

WHEREAS, the City of Hoover is celebrating the 25th Anniversary of its charter on May 19, 1992, and in recognition thereof is deserving of special public recognition; and

WHEREAS, established by charter on May 19, 1967, the City of Hoover had a population of 410; today, 25 years later, with a population of 45,000, more than 3,500 businesses, and approximately 20,000 households, Hoover is the fastest growing and most progressive city in Alabama; and

WHEREAS, the City of Hoover, named for William H. Hoover who is credited with establishing the community, is under the current leadership of Mayor Frank Skinner, Jr., while Michael R. Carroll serves currently as Executive Director of the Hoover Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we take great pleasure in congratulating the City of Hoover on its 25th Anniversary, and in commending the City and its citizens for outstanding contributions made to the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be prepared for presentation to Mayor Frank Skinner, Jr. and to Michael R. Carroll, Executive Director of the Hoover Chamber of Commerce.

On motion of Representative Hawkins, the rules were suspended and the resolution, H.J.R. 452, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Johnson, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committee on Health to meet while the House is in Session in order to take up the bills, S. 214 and S. 389.

Yeas 73; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Bowling, Box, Butler, Cagle, Campbell, Carns, Carothers, Carter, Collins, Cosby, Crow, Cullins, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holmes, Johnson, Knight, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Hamilton, Haney, Rich and Smith (R).

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RESOLUTIONS

The following resolutions were introduced:

By Representatives Kvalheim, Rockhold, Zoghby, Box, Kennedy and Gaston:

H.J.R. 453. COMMENDING JOSEPH "JOEY" WAYNE PHILLIPS, JR., FOR OUTSTANDING LEADERSHIP AT THE UNIVERSITY OF SOUTH ALABAMA.

WHEREAS, Joseph "Joey" Wayne Phillips, Jr., is currently a student enrolled at the University of South Alabama; and

WHEREAS, Joseph "Joey" Wayne Phillips, Jr., during the 1991-1992 academic year, has been elected to the offices of President of the Nu-Mu Chapter of Tau Kappa Epsilon Fraternity, Treasurer of the University of South Alabama Interfraternity Council, and, most recently, on Thursday, April 30, 1992, was elected by his fellow students at the University of South Alabama as Vice-President of the Student Government Association; and

WHEREAS, Joseph "Joey" Wayne Phillips, Jr., a man of integrity and dignity, is loyal to his friends, devoted to his family and dedicated to his sense of duty and responsibility to his University, his Fraternity and his fellow students, whether Greek affiliated or not; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly recognize and commend Joseph "Joey" Wayne Phillips, Jr., for his leadership at the University of South Alabama.

BE IT FURTHER RESOLVED, That Mr. Phillips receive a copy of this resolution in recognition of his efforts and accomplishments, and as our expression of best wishes for every future success.

On motion of Representative Kvalheim, the rules were suspended and the resolution, H.J.R. 453, was adopted.

Also:

By Representatives Kvalheim and Gaston:

H.J.R. 454. RECOGNIZING AND COMMENDING R. ALAN ALEXANDER FOR LEADERSHIP AND DEDICATION TO THE UNIVERSITY OF SOUTH ALABAMA ALUMNI ASSOCIATION.

WHEREAS, R. Alan Alexander has served as President of The University of South Alabama Alumni Association during 1991-1992; and

WHEREAS, during his tenure as President, Mr. Alexander was involved in the legislative efforts on behalf of his beloved university; and

WHEREAS, Mr. Alexander has served his University and Association with dignity and vigor, thereby demonstrating his devotion and loyalty to the more than 30,000 alumni of The University of South Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly recognize and commend R. Alan Alexander, for his leadership to The University of South Alabama Alumni Association.

BE IT FURTHER RESOLVED, That Mr. Alexander receive a copy of this resolution in recognition of his efforts and accomplishments and as our expression of best wishes for every future success.

On motion of Representative Kvalheim, the rules were suspended and the resolution, H.J.R. 454, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative McDowell, House Rules 53, 58 and 59 were suspended in order to permit the Standing Committee on Local Legislation No. 2 to meet while the House is in Session.

RESOLUTIONS

The following resolution was introduced:

By Representative Hooper:

H.J.R. 455. COMMENDING THE MONTGOMERY YMCA UNDER-EIGHT SOCCER TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Legislature of Alabama most heartily congratulates the Montgomery YMCA Under-eight Soccer Team for outstanding achievement; and

WHEREAS, sponsored by Robertson Photo and most ably coached by Robert Gould, the Robertson Photo Team posted an outstanding 5-1-1 regular season record, advancing to the Playoffs; and

WHEREAS, in the City finals, the Montgomery YMCA "U-8" soccer standouts played a hard fought match and, when the final whistle blew, a 2-2 tie forced the game into overtime; the title was settled, however, in double overtime, with Robertson Photo taking the Runner-up spot (3-2) to the City Championship; and

WHEREAS, Coach Robert Gould, a University of Alabama graduate and prominent Montgomery CPA, is regarded as an excellent soccer coach whose teams have won many tournaments and championships, and his 1992 YMCA U-8 team is no exception with its talented players from Trinity School: Alex Gould, Coleman Farrior, Scott Melton, Brian Willett, Max Coblenz, Jeffrey Shelley, Perry Hooper, III, Thomas Hooper, Michael Henig, Walker Fain, Granger Shook, Laslie Jones, Lindsay Moore, Matthew Gunnin, Will Jackson and Blake Holden; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Coach Robert Gould and his Robertson Photo Team, 1992 Runners-up to the City YMCA "U-8" Championship, to whom copies of this resolution shall be presented.

On motion of Representative Hooper, the rules were suspended and the resolution, H.J.R. 455, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hooper:

H.R. 456. COMMENDING THE MONTGOMERY YMCA UNDER-EIGHT SOCCER TEAM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Hawkins:

H.R. 457. CONGRATULATING THE CITY OF HOOVER ON THE 25TH ANNIVERSARY OF ITS CHARTER.

Also:

By Representatives Crow, Willis and Campbell:

H.R. 458. RECOGNIZING THE LATE CLIFFORD GOODMAN "BILL" WRIGHT, JR., OF ANNISTON, ALABAMA, AND HIS DEDICATED SERVICE TO SAKS YOUTH ACTIVITIES, INC.

Also:

The following resolutions were introduced:

By Representatives Crow, Willis and Campbell:

H.J.R. 459. RECOGNIZING THE LATE CLIFFORD GOODMAN "BILL" WRIGHT, JR., OF ANNISTON, ALABAMA, AND HIS DEDICATED SERVICE TO SAKS YOUTH ACTIVITIES, INC.

WHEREAS, the late Clifford Goodman "Bill" Wright of Anniston, Alabama, was a man of uncommon devotion to the needs of others, and one whose fruitful endeavors are a lasting legacy to all those whose lives he touched; and

WHEREAS, Bill Wright, who was most particularly dedicated to the needs of the young people of his community, was involved for more than 20 years as a coach and director with Saks Youth Activities, Inc.; he also served as the league president and was a field director with National Pony Baseball; and

WHEREAS, Mr. Wright, who died as he lived--giving of himself to the local youth--had coached a Pony league baseball game on the eve of his untimely death, May 1, 1992, at the age of just 49 years; and

WHEREAS, a native of Dothan, and a resident of Anniston since childhood, Mr. Wright was a self-employed and very highly successful businessman who gave freely of his time and efforts, not only in support of youth activities, but to the First Baptist Church of Saks and in all other areas of need and concern to the Saks community; and

WHEREAS, Clifford Goodman "Bill" Wright, Jr., was a truly honest, caring and trustworthy human being who, throughout his lifetime, exerted a profound and positive influence in the community and in the lives of his fellowmen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in posthumous recognition of Clifford Goodman "Bill" Wright, Jr., of Anniston, Alabama, we give thanks for his fruitful life and service, and do further direct that a copy of this resolution be presented to his wife, Mrs. Mary Evelyn Wright, and to their sons, Clifford III, Brian and Kenny, that they and other family members may know that we sincerely share the sorrow of their deep and grievous loss.

On motion of Representative Crow, the rules were suspended and the resolution, H.J.R. 459, was adopted.

Also:

By Representative Letson:

H.J.R. 460. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ENVIRONMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the environment. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the issues affecting the environment within the state, including, but not limited to, issues affecting land, air and water quality.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the 1993 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.00. Said Committee shall cease to exist when the final report is submitted to the Legislature.

MOTION TO SUSPEND RULES LOST

The motion offered by Representative Letson to suspend House Rule 62 in order to take up for immediate consideration the resolution, H.J.R. 460, was lost, lacking a four-fifths vote.

Yeas 42; Nays 11.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Box, Bugg, Buskey (JL), Cagle, Carothers, Clay, Crow, Dolbare, Drake, Freeman, Gaston, Goodwin, Grayson, Gullatt, Hall, Haney, Haynes, Higginbotham, Hogan, Holmes, Hooper, Kvalheim, Letson, Lindsey, Mathis, Melton, Millican, Morrow, Parker (P), Parker (T), Poole, Richardson, Rockhold, Rogers (F), Smith (C), Warren, Willis and Zoghby.

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Nay:

Representatives Carns, Cosby, Hamilton, Hawkins, Holladay, Laird, Layson, McKee, Newton (C), Payne and Williams.

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The resolution, H.J.R. 460, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 319. To establish the Personnel Control Reform Committee for the review of all personnel hiring requests made by agencies of the State of Alabama; to prohibit such hiring unless favorably recommended by the committee; to provide for the severability of the provisions hereof; and to provide for an effective date.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Owens, deGraffenried, and Hale.

MCDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Butler:

H.R. 461. COMMENDING THE TONEY HISTORICAL SOCIETY OF TONEY, ALABAMA.

Also:

By Representative Butler:

H.R. 462. COMMENDING ALABAMA'S RETAIL STORE CLERKS.

Also:

The following resolution was introduced:

By Representatives Butler, Haney, Hall, Grayson, Sanderford, Richardson and Carter:

H.R. 463. URGING THE GOVERNOR AND ADJUTANT GENERAL OF THE STATE OF ALABAMA TO LEAVE DETACHMENT I OF THE 109TH EVAC HOSPITAL UNIT BASED IN MADISON COUNTY.

WHEREAS, since 1977, Detachment I of the 109th Evac Hospital Unit of the Alabama Army National Guard consisting of 131 men and women living in Madison County and in the surrounding area, has been located in Madison County; and

WHEREAS, the State of Alabama has made a decision to transfer Detachment I of the 109th Evac Hospital Unit to Birmingham; and

WHEREAS, this proposed transfer would be a hardship on the residents of Madison County and the surrounding area who are members of Detachment I in that they would be required to travel to Birmingham to drill without provisions for lodging or travel expenses; and

WHEREAS, the transfer of Detachment I of the 109th Evac Hospital Unit would bring about a discontinuation of the 91 Charlie Program where thus far 47 area residents have been trained as Licensed Practical Nurses enabling them to be of service to the community as well as perform their duties in the National Guard; and

WHEREAS, Detachment I of the 109th Evac Hospital Unit trains one

weekend per month and thereby contributes significantly to the economy of Madison County through contracts with local restaurants for meals as well as other expenditures made by members of the detachment; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the House of Representatives does hereby memorialize the Honorable Guy Hunt, Governor of the State of Alabama, and Major General Ivan F. Smith, Adjutant General of the Alabama National Guard to reconsider the proposal to transfer Detachment I of the 109th Evac Hospital Unit away from their home base in Madison County to Jefferson County.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Governor Guy Hunt and to Adjutant General Ivan F. Smith, thereby urging them to leave the distinguished Detachment I of the 109th Evac Hospital Unit based in Madison County.

On motion of Representative Butler, the rules were suspended and the resolution, H.R. 463, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 337. Relating to Madison County; to amend Section 1 of Act No. 80-277, H. 117, 1980 Regular Session, as amended, which provides for the distribution of TVA payments, so as to provide further for such distribution.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Sanderford, the House concurred in and adopted the Senate amendment to the bill, H. 337, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Madison County and the distribution of certain Tennessee Valley Authority payments made in lieu of ad valorem taxes; amending the title and

Section 1 of Act No. 80-277 of the 1980 Regular Session (Acts 1980, p. 366) as last amended by Act No. 87-394, S. 534 of the 1987 Regular Session (Acts 1987, p. 564), relating to Madison County's allocation, so as to provide further for the distribution of such payments in lieu of ad valorem taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The title and Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts 1980, p. 366), as last amended by Act No. 87-394, S. 534 of the 1987 Regular Session, (Acts 1987, p. 564), are hereby amended to read as follows:

"An Act Relating to Madison County; to amend Section 1 of Act No. 80-277 of the 1980 Regular Session, (Acts of 1980, p. 366), entitled, 'An Act Relating to Madison County; to provide alternative methods of funding a legislative delegation office and to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes,' so as to provide further for the distribution of the payments in lieu of ad valorem taxes.

"Section 1. A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

"Up to 1% of such payments each year shall be used to establish, equip and maintain a legislative delegation office. All decisions concerning the Madison County Legislative Office, including but not limited to, revenue, income, or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative members, each house voting separately. Such resolution may provide an operation procedure for the delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not spent at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

"In addition to its annual budget allocation, the legislative delegation is authorized to receive a separate allocation for extraordinary purchase of equipment, not to exceed 10 percent of its budget allocation. It is understood this allocation may not be annually, but only as needed.

"B. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

"1. Seventy percent of the remaining money shall be paid to the City of Huntsville. The payment shall be distributed in the following manner:

"(a) Sixty-five percent to the city school system to be paid by the city governing body directly to the school system.

"(b) Twenty-five percent to the city general fund.

"(c) Ten percent to the City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed \$525,000 in any fiscal year, said excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

"2. Twenty-nine and one-half percent of the remaining money shall be paid to Madison County. The payment shall be distributed in the following manner:

"(a) Sixty-five percent to the county school system to be paid by the county governing body directly to the school system.

"(b) Twenty-eight percent to the county general fund.

"(c) Seven percent to the City of Huntsville Hospital Authority. If the revenue produced by this percentage formula shall exceed \$150,000 in any fiscal year, the excess revenue will revert to the general fund of Madison County.

"3. One-half percent of the remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Payments shall be distributed in the following manner:

"(a) Sixty-five percent to the county school system to be paid by the municipal governing body directly to the school system.

"(b) Thirty-five percent to the municipal general fund."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**REGULAR SESSION
29th Day**

3505

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Beasley, Black (L), Bowling, Box, Bryant, Buskey (JE), Butler, Cagle, Carns, Clark (W), Clay, Collins, Crow, Cullins, Dolbare, Freeman, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Hawkins, Hogan, Holmes, Hooper, Kvalheim, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Powell, Rich, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Venable, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 146. MOURNING THE DEATH OF JAMES EDWARD ANTHONY OF MONTGOMERY, ALABAMA.

Also:

By Senators Ellis and Owens:

S.J.R. 147. COMMENDING DR. LORETTA G. BROWN ON HER RETIREMENT AS DIRECTOR OF THE GEORGE C. WALLACE SPEECH AND HEARING CENTER.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Buskey (JL), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 146, the title of which is set out in the foregoing Message from the Senate.

Also:

On motion of Representative Hill, the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 147, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S.J.R. 145. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Thursday, May 7, 1992, they adjourn to meet again on Monday, May 18, 1992; and when they adjourn on Monday, May 18, 1992, they adjourn Sine Die.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Clark (J), the rules were suspended, and the House concurred in and adopted the resolution, S.J.R. 145, set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Black (M) to adopt the Budget Isolation Resolution relating to the bill, S. 437, was lost, lacking a three-fifths vote.

Yeas 35; Nays 25.

Yea:

Mr. Speaker, Anderson, Black (L), Black (M), Bowling, Box, Bryant, Cagle, Carns, Collins, Crow, Drake, Fuller, Goodwin, Gullatt, Hamilton, Harvey, Hawkins, Haynes, Hogan, Holladay, Holley, Johnson, Letson, Lindsey, Mikell, Millican, Newton (C), Parker (P), Parker (T), Poole, Powell, Rogers (F), Smith (C) and Willis.

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Nay:

Representatives Bugg, Buskey (JE), Buskey (JL), Clark (W), Clay, Cullins, Dolbare, Grayson, Haney, Holmes, Hooper, Kennedy, Laird, McClain, McDowell, McKee, Payne, Rich, Richardson, Rogers (J), Sanderson, Smith (R), Walker, Warren and Williams.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Haynes, the Budget Isolation Resolution relating to the bill, S. 211, was adopted.

Yeas 61; Nays 9.

Yea:

Mr. Speaker, Anderson, Black (L), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Flowers, Gaston, Goodwin, Gullatt, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holladay, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, McMillan, Melton, Millican, Morrow, Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Walker, Warren, White, Williams and Zoghby.

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Nay:

Representatives Butler, Crow, Freeman, Grayson, Hall, McClain, Rogers (J), Sanderson and Smith (R).

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Buskey (JL):

H.R. 464. COMMENDING ANGELA LASHONTEL FRANKLIN OF MONTGOMERY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representatives Mikell and Venable:

H.R. 465. CONGRATULATING MR. AND MRS. M. R. COX ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 337. Relating to Madison County and the distribution of certain Tennessee Valley Authority payments made in lieu of ad valorem taxes; amending the title and Section 1 of Act No. 80-277 of the 1980 Regular Session (Acts 1980, p. 366) as last amended by Act No. 87-394, S. 534 of the 1987 Regular Session (Acts 1987, p. 564), relating to Madison County's allocation, so as to provide further for the distribution of such payments in lieu of ad valorem taxes.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 526. To amend Section 39-7-14, Code of Alabama 1975, relating to boards of trustees of municipal improvement authorities; and to provide that those boards shall consist of five members that are qualified electors residing in the area serviced by the authority.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MOTION TO RECESS ADOPTED

The motion offered by Representative Warren that the House recess from 6:00 o'clock p.m. until 7:30 o'clock p.m. was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 286. To make an appropriation from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Inc., for the fiscal year beginning October 1, 1992, for programs and services to help prevent the spread of AIDS; to require an operations plan and audited financial statement.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 815. To amend Section 2 of Act No. 87-424, H. 799, 1987 Regular Session, to increase the levy of an additional license or privilege tax based on gross proceeds derived by lessors and renters of certain tangible personal property in Calhoun County and to provide for disposition of the additional revenues from the increase in the levy.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Campbell, the House concurred in and adopted the Senate amendment to the bill, H. 815, said Senate amendment being as follows:

Amend House Bill 815, on Page 2, Line 14, by adding the following sentence:

"Any funds generated by this bill may be expended, at the direction of the Economic Development Council, in the promotion of business opportunities which are available in Calhoun County.

Further amend House Bill 815 on Page 2, Line 15 by adding the following new Section 3 and renumbering subsequent sections accordingly:

"Section 3. No increase in taxes under this bill shall apply to any contract entered into prior to this bill becoming law."

Yeas 54; Nays 0.

Yea:

Mr. Speaker, Black (M), Blakeney, Box, Bryant, Bugg, Burke, Cagle, Campbell, Clark (W), Collins, Crow, Cullins, Drake, Freeman, Fuller, Gaston, Gullatt, Hall, Haney, Haynes, Higginbotham, Hogan, Holladay, Holley, Johnson, Kennedy, Kvalheim, Laird, Letson, McClain, McDaniel, McKee, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Poole, Powell, Rich, Rockhold, Rogers (F), Sanderford, Smith (C), Smith (R), Starkey, Venable, Walker, Warren, Willis and Zoghby.

RECESS

The hour of 6:00 o'clock p.m. having arrived and pursuant to the motion heretofore adopted, the House recessed until 7:30 o'clock p.m.

HOUSE RECONVENED

The hour of 7:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 815. To amend Section 2 of Act No. 87-424, H. 799, 1987 Regular Session, to increase the levy of an additional license or privilege tax based on gross proceeds derived by lessors and renters of certain tangible personal property in Calhoun County and to provide for disposition of the additional revenues from the increase in the levy.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 286. To make an appropriation from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Inc., for the fiscal year beginning October 1, 1992, for programs and services to help prevent the spread of AIDS; to require an operations plan and audited financial statement.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

MOTION TO CARRY OVER LOST

The motion offered by Representative Hall to temporarily carry over the bill, S. 211, was lost.

Yeas 37; Nays 39.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Bryant, Bugg, Buskey (JE), Clark (W), Crow, Curry, Drake, Flowers, Freeman, Hall, Hammett, Harper, Kennedy, Lindsey, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Newton (C), Parker (P), Parker (T), Payne, Powell, Rogers (J), Sanderford, Spratt, Turnham, Venable, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Beasley, Biddle, Cagle, Carns, Carothers, Collins, Cosby, Dolbare, Gaston, Hamilton, Haney, Hawkins, Haynes, Hogan, Holladay, Hooper, Johnson, Kvalheim, Laird, Layson, Letson, Mathis, McKee, McMillan, Millican, Morton, Petelos, Poole, Rich, Richardson, Rockhold, Rogers (F), Smith (C), Starkey, Thomas, Walker, Warren and Williams.

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S. 211 TEMPORARILY CARRIED OVER

On motion of Representative Harper, the bill, S. 211, was temporarily carried over.

Yeas 38; Nays 29.

Yea:

Mr. Speaker, Black (M), Box, Bryant, Clark (W), Crow, Drake, Flowers, Freeman, Grayson, Gullatt, Hall, Hammett, Harper, Hawkins, Kennedy, Kvalheim, Lindsey, McClain, McDaniel, McDowell, Melton, Mikell, Morrow, Newton (C), Parker (P), Parker (T), Payne, Penry, Rogers (F), Sanderford, Sanderson, Starkey, Turnham, Venable, White, Willis and Zoghby.

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Nay:

Representatives Anderson, Beasley, Bowling, Burke, Carns, Carothers, Collins, Cosby, Dolbare, Hamilton, Haney, Haynes, Holladay, Hooper, Johnson, Laird, Layson, Mathis, McKee, McMillan, Millican, Morton, Poole, Rich, Richardson, Smith (C), Thomas, Walker and Warren.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 246, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To authorize the abatement of ad valorem taxes, other than those imposed for public school purposes and for capital improvements for public education, construction related transaction taxes other than those local construction related transaction taxes levied for public education, and mortgage and recording taxes incurred in establishing or expanding industries in Alabama; to provide a procedure for granting the abatement of ad valorem taxes, construction related transaction taxes, and mortgage and recording taxes; to limit the abatements available through various public agencies and authorities and local governments; to require additional reporting of county tax assessing officials so that the annual abstract of property identifies and lists property by class and by public school system within the county; to provide transition rules; to preserve rights and obligations accrued under repealed laws; to provide for the severability of any invalid provision; to provide effective dates; to amend Section 40-7-35, Code of Alabama, 1975; to repeal Sections 40-9-40 through 40-9-49, Code of Alabama, 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

ARTICLE ONE

Section 1. Short title. This act shall be known and may be cited as the "Tax Incentive Reform Act of 1992."

Section 2. Legislative findings. The Legislature recognizes the importance of industrial development to the well being of the people of the state. The Legislature also recognizes that industries are attracted by a number of factors, including natural resources, a well-trained workforce, good roads, and excellent education. The Legislature also recognizes that in some cases additional incentives are required to succeed in attracting new industries and encouraging existing industries to expand and therefore intends to continue to allow county and municipal governments and certain public corporations to provide substantial tax incentives.

Section 3. Definitions. For purposes of this act, the following words and phrases mean:

(a) ABATE, ABATEMENT. A reduction or elimination of a taxpayer's liability for tax. An abatement of transaction taxes imposed under Chapter 23 of Title 40, Code of Alabama 1975, shall relieve the seller from the obligation to collect and pay over the transaction tax as if the sale were to a person exempt, to the extent of the abatement, from the transaction tax.

(b) CONSTRUCTION RELATED TRANSACTION TAXES. The transaction

taxes imposed by Chapter 23 of Title 40, Code of Alabama 1975, on tangible personal property and taxable services incorporated into an industrial development property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses.

(c) **EDUCATION TAXES.** Ad valorem taxes that must, pursuant to the Constitution of Alabama of 1901, as amended, legislative act, or the resolution or other action of the governing board authorizing the tax, be used for educational purposes or for capital improvements for education and local construction related transaction taxes levied for educational purposes or for capital improvements for education.

(d) **INDUCEMENT.** Refers to an agreement, or an "inducement agreement," entered into between a private user and a public authority or county or municipal government and/or a resolution or other official action, an "inducement resolution," "inducement letter," or "official action" adopted by a public authority or county or municipal government, in each case expressing, among other things, the present intent of such public authority or county or municipal government to issue bonds in connection with the private use property therein described.

(e) **INDUSTRIAL DEVELOPMENT PROPERTY.** Real and/or personal property acquired in connection with establishing or expanding an industrial or research enterprise in Alabama.

(f) **INDUSTRIAL OR RESEARCH ENTERPRISE.** Any trade or business described in 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 and 51, Industrial Group Number 737, and Industry Numbers 8731, 8733, and 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget.

(g) **MAJOR ADDITION.** Any addition to an existing industrial development property that equals the lesser of: 30 percent of the original cost of the industrial development property or two million dollars (\$2,000,000). For purposes of this subsection, the original cost of existing industrial development property shall be the amount of industrial development property with respect to which an abatement was granted under this act when the property was constructed, or if the existing industrial development property was constructed before January 1, 1993, the maximum amount that would have been allowed if the provisions of this act had applied at the time it was constructed. Only property that constitutes industrial development property shall be taken into account in making the determination in the previous sentence.

(h) **MAXIMUM EXEMPTION PERIOD.** A period equal to the shorter of:

(1) Ten years from and after:

(A) The date of initial issuance by a county, city, or public authority of bonds to finance any costs of a private use property, or

(B) If no such bonds are ever issued, the later of: (i) the date on which title to such property was acquired by or vested in such county, city, or public authority, or (ii) the date on which such property is or becomes owned, for federal income tax purposes, by a private user; or

(2) The weighted average economic life of the assets comprising such property, determined consistently with the provisions of 26 U.S.C. § 147(b) and measured from the date such property is placed in service.

(i) **MORTGAGE AND RECORDING TAXES.** The taxes imposed by Chapter 22 of Title 40, Code of Alabama 1975.

(j) **NONEDUCATIONAL AD VALOREM TAXES.** Ad valorem taxes imposed by the state, counties, municipalities, and other taxing jurisdictions of Alabama that are not required to be used for educational purposes or for capital improvements for education.

(k) **PERSON.** Includes any individual, partnership, trust, estate, or corporation.

(l) **PRIVATE USER.** Any individual, partnership, or corporation organized for profit that is or will be treated as the owner of private use property for federal income tax purposes.

(m) **PRIVATE USE INDUSTRIAL PROPERTY.** Private use property that also constitutes industrial development property.

(n) **PRIVATE USE PROPERTY.** Any real and/or personal property which is or will be treated as owned by a private user for federal income tax purposes even though title may be held by a public authority or municipal or county government.

(o) **PUBLIC AUTHORITY.** A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of 1901 or a general or local law that authorized it to issue bonds, the interest on which is exempt from the Alabama income tax, as in effect on the effective date of this act.

(p) **PUBLIC INDUSTRIAL AUTHORITY.** A public authority authorized to issue bonds to acquire, construct, equip or finance industrial development property.

Section 4. Authorization of abatement.

(a) Noneducational ad valorem taxes, construction related transaction taxes, except those local construction related transaction taxes levied for educational

purposes or for capital improvements for education, and mortgage and recording taxes may be abated with respect to private use industrial property and security documents and other recordable documents associated therewith as provided in this act.

(b) No abatement of noneducational ad valorem taxes may exceed the maximum exemption period. No further abatement with respect to the same private use industrial property may be granted unless there is a major addition to the property, in which event abatement may be granted only with respect to the noneducational ad valorem taxes on the major addition by complying with the procedures set forth in this act.

(c) An abatement of construction related transaction taxes shall apply only to tangible personal property and taxable services incorporated into a private use industrial property, the cost of which may be added to capital account with respect to the property, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses. No abatement of construction related transaction taxes shall extend beyond the date the private use industrial property is placed in service. No further abatement may be granted for construction related transaction taxes with respect to the private use industrial property unless incurred in connection with a major addition, in which event only construction related transaction taxes that may be added to capital account with respect to the major addition, determined without regard to any rule which permits expenditures properly chargeable to capital account to be treated as current expenses, may be abated by complying with the procedures set forth in this act. No local construction related transaction taxes levied for educational purposes or capital improvements for education may be abated.

(d) Mortgage and recording taxes with respect to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the public authority or county or municipal government with respect to a private use industrial property may be abated by complying with the procedures set forth in this act.

(e) An abatement under this section may be granted only with respect to private use industrial property that has not previously been placed in service by the private user who is applying for the abatement or by a person who is a related party, as defined in 26 U.S.C. § 267, with respect to such private user.

Section 5. Granting of abatement.

(a) Subject to the geographical or jurisdictional limitations specified in subsection (b), the governing body of a municipality, a county, or a public industrial authority may grant abatements of all of the taxes allowed to be abated under Section 4 with respect to private use industrial property, but only in conjunction with or in anticipation of the financing by such municipality, county, or public industrial authority of such private use industrial property through the issuance of

bonds or other indebtedness by such municipality, county, or public industrial authority to a person or persons none of whom or which is a related party, as defined in 26 U.S.C. § 267, with respect to the private user of such private use industrial property.

(b) The abatements authorized to be granted pursuant to subsection (a) may be granted:

(1) By the governing body of a municipality, with respect to private use industrial property located within the limits of the municipality or within the police jurisdiction of the municipality.

(2) By the governing body of a county, with respect to private use industrial property located in the county and not within a municipality or the police jurisdiction of a municipality, unless consented to by resolution of the governing body of the municipality.

(3) By the governing body of a public industrial authority, with respect to private use industrial property located within the jurisdiction of the public industrial authority.

Section 6. Procedure for granting abatement.

(a) Any person who proposes to become a private user of industrial development property or of a major addition may apply to the governing body of any municipality, county, or public industrial authority, at or about the time that private user is requesting inducement, for an abatement of all of the taxes allowed to be abated under Section 4 with respect to such property. The application shall contain information that will permit the governing body to which it is submitted to make a reasonable cost/benefit analysis as to the proposed industrial development property and to determine the maximum exemption period for the abatement of noneducational ad valorem taxes.

(b) The abatements granted by the governing body shall be embodied in an agreement, which may be the same as the inducement, between the governing body and the private user, setting forth:

(1) The estimated amount of each abatement and the maximum exemption period.

(2) Good-faith projections by the private user of: the amount to be invested; the number of individuals to be employed, initially and in the succeeding three years; and the payroll.

(c) The private user shall file with the Department of Revenue within 90 days after the granting of the abatements a copy of the agreement required by subsection (b), the contents of which the department shall use solely for its

statistical and record-keeping activities but shall otherwise keep confidential unless consented to in writing by the private user.

ARTICLE TWO

Section 7. Private use property; taxation thereof.

(a) Notwithstanding any other provision of law, if a public authority or county or municipal government has title to or a possessory right in private use property, then:

(1) The property shall be subject to ad valorem taxes as if the private user held title to the property.

(2) The private user of the property shall be liable for construction related transaction taxes as if the private user held title to such property.

(3) The private user of the property shall be subject to the recording taxes for mortgages, deeds, and documents relating to the issuance or securing of obligations and the conveyance of title to property into and out of a public authority.

(b) A private user of property described in subsection (a) may apply for, and if the property constitutes industrial development property, be granted abatements of ad valorem, construction related transaction taxes, and mortgage and recording taxes as described in Article 1 of this act.

(c) The rule of subsection (a) (1) shall not apply to local ad valorem taxes if a private user was entitled to use the property pursuant to a lease or other agreement entered into before October 1, 1993, or would be entitled to use the property at some future time pursuant to inducement entered into or adopted before October 1, 1993, provided, however, that this subdivision shall apply only to the property and the amount of capital expenditures set out in such inducement, subject to de minimis deviations.

(d) The rule of subsection (a) (2) shall not apply to construction related transaction taxes if a private user was entitled to use the property pursuant to a lease or other agreement entered into before January 1, 1993, or would be entitled to use the property at some future time pursuant to inducement entered into or adopted before January 1, 1993, provided, however, that this subdivision shall apply only to the property and the amount of capital expenditures set out in such agreement, subject to de minimis deviations.

(e) The rule of subsection (a) (3) shall not apply to mortgage and recording taxes with respect to property if a private user was entitled to use the property pursuant to a lease or other agreement entered into before January 1, 1993, or would be entitled to use the property at some future time pursuant to inducement

entered into or adopted before January 1, 1993, provided, however, that this subdivision shall apply only to the property specified in such agreement, subject to de minimis deviations.

ARTICLE THREE

Section 8. Section 40-7-35, Code of Alabama 1975, is amended to read as follows:

"§40-7-35. Same abstracts of property contained in book.

"When the book of assessments has been completed, the county tax assessor must without delay make out in triplicate, upon forms to be furnished by the Department of Revenue, a complete abstract of all real and personal property as contained in the assessment book of his the county, identified by each public school system of the county and listing the same for each public school system of the county therein, showing the total amount and value of each class of taxable property, including specifically the total amount and value of each class of taxable property defined in Section 40-8-1, as amended, as Class III property that is appraised according to its current use value and the total amount and value of such Class III property that is appraised according to its fair and reasonable market value, property exempt from taxation and the amount of taxes of each item, extended in a column; such abstract of assessment must be approved and certified to by the Department of Revenue, one copy of which the said tax assessor must forward to the Department of Finance not later than the second Monday in August of each year, one to the Department of Revenue at Montgomery, and the other ~~he must deliver~~ to the tax collector by said date. The Department of Finance shall report to the Governor any tax assessor who for five days after the date required has failed to forward to the Department of Finance the abstract of assessment of his the county, identified by each public school system of the county and listing the same for each public school system of the county therein, and the Governor shall forthwith require of ~~such the~~ tax assessor an official report of the cause of ~~such the~~ failure."

Section 9. Sections 40-9-40 through 40-9-49 of the Code of Alabama, 1975 as amended, are hereby expressly repealed.

Section 10. Effect of repeal. The repeal of a prior act or part thereof by this act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act before its repeal.

Section 11. Severability. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the parts that were not declared invalid or unconstitutional.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 246, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 93; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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Nay:

Representatives Laird, McKee and White.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 247, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To provide for the reporting of tax exempt property by any lessee of the property to the State Department of Revenue, which in turn would be required to report to the Legislature; to provide for reports from the several county tax assessors and to the State Department of Revenue; and to provide penalties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For purposes of this act, the following words and phrases mean:

(a) **PRIVATE USER.** Any individual, partnership, or corporation organized for profit that is or will be treated as the owner of private use property for federal income tax purposes.

(b) **PRIVATE USE PROPERTY.** Any real and/or personal property which is or will be treated as owned by a private user for federal income tax purposes even though title may be held by a public authority or municipal or county government.

(c) **PUBLIC AUTHORITY.** A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of 1901 or a general or local law that authorized it to issue bonds, the interest on which is exempt from the Alabama income tax, as in effect on the effective date of this act.

Section 2. (a) Any private user of private use property leased by the private user from a municipality, county, or public authority of the State of Alabama shall, not later than January 1, 1993, file with the tax assessor of the county in which the leased property is located, the information required by subsection (c) of this section.

(b) In the event any lessee described in subsection (a) of this section is unable to file the information required by subsection (c) of this section by January 1, 1993, such lessee shall on or before January 1, 1993, notify the tax assessor in writing, setting forth the item or items of required information which the lessee is unable to ascertain or calculate, the reason or reasons for such inability, and if the inability to file any one or more of the items of required information can be corrected with additional time, the additional time, not to exceed four months, which the lessee shall require. In the event any lessee described in subsection (a) of this section shall not have filed either the information required by subsection (c) of this section or the notification described in the preceding sentence of this subsection (b) by January 1, 1993, or having requested additional time as described in the preceding sentence of this subsection (b), shall not have filed within the additional time stated to be required the item or items for the ascertainment or calculation of which the additional time was required, the tax assessor of the county in which the leased property is located shall notify the lessee in writing

by certified mail, specifying the action required of the lessee and stating that the same must be performed within 60 days of the date such notice is given, whereupon the lessee shall, within the required period, either file the items or items of missing information or a notification of inability to comply as described in the preceding sentence of this subsection (b). Notwithstanding the preceding sentence, any lessee who receives an extension shall file with both the tax assessor and the Department of Revenue the required information by April 30, 1993.

(c) Every lessee of property described in subsection (a) of this section shall file the following information:

(1) The location of the real property subject to the lease with the public authority, county, or municipality of the State of Alabama.

(2) A list of all improvements to the property since the effective date of the lease with the public authority, county, or municipality of the State of Alabama.

(3) A list of all personal property subject to the lease with the public authority, county, or municipality of the State of Alabama.

(4) The purchase price and date of acquisition, or a reasonable estimate thereof, of such real and personal property.

(5) An estimate of the fair and reasonable market value of the property; provided, however, that such estimate may be made without obtaining an appraisal of the property.

(6) The effective date and term of the lease with the public authority, county, or municipality of the State of Alabama, including any extension or renewal options provided in the lease.

Section 3. Every tax assessor shall, not later than March 1, 1993, forward to the Department of Revenue the following information:

(a) A complete listing of all real property located in the county which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(b) A complete listing of all personal property located in the county which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(c) A complete listing of the purchase price and date of acquisition of such real and personal property.

(d) A complete listing of the estimated fair and reasonable market value of such real and personal property.

(e) The estimated tax revenue produced by such real and personal property if taxed at the rates applicable to taxable property located in the same jurisdiction.

(f) A list of all lessees which have not filed the required information by January 1, 1993, including within such list a separate category of those lessees, if any, which shall have submitted a notification of inability as described in the first sentence of subsection (b) of Section 2 and attaching to such list a copy of each such notification of inability. The completeness of the information required to be provided by the tax assessor pursuant to subsections (a) through (e) of this section shall be deemed subject to the list required to be provided pursuant to this subsection (f).

Section 4. The Department of Revenue shall, not later than May 1, 1993, compile the information submitted pursuant to Section 3 of this act and provide to the Legislature the following information:

(a) A complete listing of all real and personal property located in the state which is subject to a lease with a public authority, county, or municipality of the State of Alabama.

(b) A complete listing of the estimated fair and reasonable market value of such real and personal property.

(c) The estimated tax revenue produced by such real and personal property if taxed at the rates applicable to taxable property located in the respective jurisdictions.

(d) A copy of all lists, if any, received by the department from tax assessors pursuant to subsection (f) of Section 3 of this act. The completeness of the information required to be provided by the department pursuant to subsections (a) through (c) of this section shall be deemed subject to the list required to be provided pursuant to this subsection (d).

(e) A list of all lessees which have not filed the information required by Section 1 of this act by January 1, 1993.

Section 5. A county tax assessor may require any public authority, county, or municipality of the State of Alabama that owns property which must be reported to the assessor under the provisions of Section 2 of this act to provide any information in its possession to such assessor for use in ascertaining the completeness and accuracy of the information provided under Section 2 of this act.

Section 6.(a) If any lessee which is required to file the information required by Section 2 of this act fails to file either such information or a notification of inability as described in the first sentence of subsection (b) of Section 2 within the time frames set forth in said subsection (b), or files false information, or files information that is so incomplete or inaccurate that the county tax assessor is

unable to determine the information required by Section 3 of this act with reasonable accuracy, then such lessee shall be liable for a penalty equal in amount to fifty dollars (\$50) for each month or part of a month during which the act or omission subjecting the lessee to a penalty under this section occurs or continues.

(b) The department of revenue is authorized to enforce the reporting requirements of section 1 of this act by injunctive relief in the courts of this state and shall be entitled to recover from the defendant in such action any court costs incurred and reasonable attorney's fees.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 247, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 93; Nays 4.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghyb.

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Nay:

Representatives Anderson, Johnson, Laird and Poole.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 319, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To create the Personnel Control Reform Committee; to provide for the powers, duties, and dissolution of the committee; to prohibit certain state agencies from establishing new personnel positions without the approval of the committee; to require certain state agencies to submit a list of newly hired employees for review by the committee; to require the committee to conduct a study and to make recommendations and a report regarding state workforce reduction; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known as and may be cited as the Personnel Control Reform Act of 1992.

Section 2. The Personnel Control Reform Committee is created. The committee shall consist of the following five members:

- (1) The Governor or his or her designee.
- (2) The Director of Finance or his or her designee.
- (3) The State Personnel Director or his or her designee.

(4) The Chair of the Committee on Ways and Means of the House of Representatives or a designee of the chair who is a member of the House of Representatives.

(5) The Chair of the Committee on Finance and Taxation of the Senate or a designee of the chair who is a member of the Senate.

Section 3. (a) The committee shall commence the performance of its duties thirty days after the implementation of this act is authorized.

(b) The committee shall hold its initial meeting by July 10, 1992. Subsequent meetings shall be held within the first 10 days of the beginning of each month. A meeting shall not be required if the State Personnel Department notifies the committee that no listings of hirings or requests for new personnel positions were received by the department by the 25th day of the preceding month. Public notice of all meetings shall be given by the department at least four business days prior to the convening of the meeting. The notice shall be in the form prescribed by the committee.

(c) Each legislative member of the committee shall be entitled to his or her regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. The allowances, expenses, and compensation of legislative members of the committee shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by a member of the committee. No legislative member shall receive additional compensation or per diem when the Legislature is in session or if a legislative member is being paid any other payments on the same dates for attendance of other state business. Other members of the committee shall not receive compensation for attending meetings of the committee.

(d) The Legislature, by the adoption of a joint resolution, with a recorded roll call vote of each house, may dissolve the committee. Once dissolved, the committee shall not be reestablished by the adoption of a joint resolution of the Legislature.

Section 4. (a) For the purposes of this act, state agency means any department, board, office, commission, or agency except those under the legislative or judicial branches of government. The committee shall review each request of a state agency to establish a new personnel position funded from state or federal funds including, but not limited to, requests regarding new personnel positions for classified, unclassified, temporary, contract, part-time, or exempt employees. The committee, after a review, shall determine if a new personnel position should be created by the requesting state agency. For purposes of this Act, a new personnel position shall be construed as including any additional or replacement employee if said employee would cause the employment level of that department, board, commission, office or agency to exceed its average employment for the fiscal year that ended September 30, 1990 and the fiscal year that ended September 30, 1991 by type or classification of employee, including classified, unclassified, temporary, contract, part-time or exempt employee.

(b) Effective June 1, 1992, no state agency shall establish or fill a new personnel position without the approval of the committee. Prior to the establishment of a new personnel position, each of the following procedural requirements shall be followed:

(1) The state agency shall submit the request for a new personnel position to the State Personnel Department by the 25th day of the month preceding the month in which a meeting of the committee is conducted at which the request will be addressed.

(2) The State Personnel Department shall deliver the request to the committee for review.

(3) The committee shall disapprove or approve the request and written notice of the decision of the committee shall be provided to the requesting state agency. The department shall prepare and provide the notice to the requesting state agency within five business days of the decision of the committee. If the committee approves the creation of a new personnel position or the filling of a new personnel position, the committee shall prepare a written report, specifying in detail, the necessity for the new personnel position or the filling of the position. The report shall be available for public review.

Section 5. Effective June 1, 1992, each state agency shall submit a list of all employees hired by the agency to the State Personnel Department by the 25th day of the month in which the employee was hired. If an employee is hired after the 25th day of a month, the employee shall be included by the state agency in the list submitted in the next month. The list shall include classified, unclassified, exempt, temporary, part-time, and contract employees hired by the agency since the previous meeting of the committee. The department shall provide the list of all new hirings by agency to the committee. The department and each state agency, if requested by the committee, shall provide additional information concerning the hirings to the committee. The committee shall review all personnel hirings of a state agency.

Section 6. (a) The committee shall conduct a comprehensive study of the staffing levels of the state agencies to assess the feasibility, without imposing undue burdens on the state agencies in providing their respective services, of reducing the total workforce of the agencies by five percent. The report shall include, but shall not be limited to, the recommendations of the committee regarding the method of accomplishing suggested staff reductions. The state agencies shall furnish information that the committee deems necessary in conducting its study. The committee shall report its findings to the Legislature and to the Governor by the 10th legislative day of the 1993 Regular Session of the Legislature.

(b) Annually thereafter, the committee shall make a report by the 10th legislative day of each regular session to the Legislature and the Governor regarding the status of the workforce of the state agencies. These reports shall include findings and recommendations of the committee concerning each of the following:

(1) Which state agencies have an excessive or deficient number of employees to provide an adequate level of service.

(2) The types of positions that are excessive in number and deficient in number within the workforce of the state agencies.

(3) Progress made in reaching any recommended reductions in the workforce of the state agencies.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 319, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 93; Nays 4.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Willis and Zoghby.

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Nay:

Representatives Anderson, McMillan, White and Williams.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 234, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To establish the Commission on Economy and Productivity to study and analyze the operation and administration of each agency of state government to determine the means, methods, and manner by which the services of the state may be afforded to the citizens in the most efficient, expeditious, and economical manner; to provide for the appointment, term of office, payment of expenses, functions, and duties of the members of the commission; to provide for a Legislative Oversight Committee; and to provide for a conditional implementation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act may be cited as the Economy and Productivity Act.

Section 2. The following words have the following meanings unless the context clearly indicates otherwise:

- (1) COMMISSION. The state Commission on Economy and Productivity.
- (2) STATE AGENCY. Any board, commission, department, institution, office, or other component of state government whether created by the constitution or statute of this state.

Section 3. (a) The Commission on Economy and Productivity is created.

(b) The commission shall be composed of nine members. The Governor,

Lieutenant Governor, and Speaker of the House of Representatives shall each appoint three members. In the event said Commission shall be continued as provided for in subsection (h) of this section, all appointments thereafter shall be for terms of two years or as established by the joint resolution continuing the commission.

(c) Any vacancy on the commission shall be filled for the unexpired term in the same manner in which the original appointment was made.

(d) The commission shall elect a chair from among its members.

(e) The commission shall meet at least once each month. The commission may meet at other times at the call of the chair. A majority of the members of the commission shall constitute a quorum for the transaction of business.

(f) Members of the commission shall not receive compensation but shall be entitled to reimbursement for actual and necessary expenses incurred while performing functions as members of the commission.

(g) Meetings of the commission shall be open to the public as provided in Section 13A-14-2 of the Code of Alabama 1975, and the commission shall be subject to the provisions of the Alabama Administrative Procedure Act.

(h) The commission shall continue in existence until September 30, 1994, unless continued by joint resolution of the 1994 Regular Session of the Alabama Legislature.

Section 4. (a) The commission shall employ an executive director who shall serve at the pleasure and direction of the commission. The compensation paid the executive director shall be set by the commission but shall not exceed that paid to department heads in the executive branch of government. The executive director may employ staff as authorized by the commission. All staff employees, with the exception of the executive director, shall be subject to the state merit system and their compensation shall be in accordance with the merit system pay plan.

(b) The commission is authorized to augment the staff needed to carry out the projects and purposes of this act by arranging for the temporary assignment of personnel from other agencies, for a period not to exceed three months, and using loaned executives and employees from private and public sector organizations on a voluntary noncompensated basis.

(c) The commission is authorized to employ attorneys, accountants, efficiency experts, and consultants as required to achieve the purposes of this act if approved by the Personnel Control Committee provided in House Bill 319 as passed in the 1992 Regular Session of the Legislature.

(d) A total quality improvement program shall be implemented in each department or agency of state government. All state agencies shall cooperate with the commission and provide information and services requested by the commission.

Section 5. The commission shall have each of the following functions and duties:

- (1) Promote economy, efficiency, and effectiveness in state government.
- (2) Conduct comprehensive reviews of the operation and administration of each state agency, and identify opportunities for better use of state funds by eliminating waste and reducing or avoiding costs.
- (3) Recommend policies, programs, and practices by which state agencies can improve management, efficiency and effectiveness, increase productivity, improve responsiveness, develop cost savings, improve service delivery, increase program effectiveness, improve accountability, and provide and coordinate supervisory management training.
- (4) Develop managerial cost data, provide problem solving methodologies, analyze organizational structure, develop performance measures, and provide certain technical skills. These advisory activities may be conducted singularly or jointly with the staffs of the state agencies.
- (5) Conduct special studies and surveys. These studies or surveys may form the foundation for future comparisons and analyses. The studies may also serve as a basis for policy enactment or change. The results may also be used to corroborate or refute agency plans, methods, systems, or projects.
- (6) Provide management analysis and guidance to state agencies.
- (7) Provide information and recommendations to the Governor and Legislature and various state agencies, when requested.
- (8) Prepare and submit to the Governor and the Legislature a report outlining the policies, programs, and practices recommended to the various state agencies, whether the policies, programs, or practices have been instituted by the agencies and, if so, the degree of effectiveness.

Section 6. The Legislature may appropriate funds for the operation of the Commission on Economy and Productivity from the State General Fund or any other available source of funds. Such appropriation shall be made pursuant to the Budget Management Act, Sections 41-19-1 through 41-19-12, Code of Alabama, 1975.

Section 7. The Legislative Oversight Committee on Economy and

Productivity in state government is established. The committee shall consist of six members, three of whom shall be members of the Senate appointed by the Lieutenant Governor and three of whom shall be members of the House of Representatives appointed by the Speaker of the House of Representatives. All members shall serve without pay, but shall be reimbursed for travel expenses. The purpose and function of the committee shall be to review the operations of the commission, including but not limited to staffing levels, and assist the commission in the preparation of necessary legislation to facilitate further improvements in economy and productivity in state government.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 234, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 86; Nays 5.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Bowling, Box, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Drake, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

Nay:

Representatives Barnes, Buskey (JE), Dolbare, Kennedy and Williams.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 229, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

A BILL TO BE ENTITLED AN ACT

To amend Sections 16-5-8, 16-5-9, and 16-5-10, Code of Alabama 1975, relating to the Alabama Commission on Higher Education, so as to provide for a uniform articulation agreement among all institutions of higher education; an examination for rising juniors and students receiving certificates, diplomas or degrees from two-year institutions; a remedial education program; guidelines for new construction; program viability standards; a moratorium on new institutions of higher education or new branches of existing institutions of higher education; and a mechanism whereby the commission will not recommend budgets which violate these facility guidelines.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-8, Code of Alabama 1975, is amended to read as follows:

"§16-5-8.

"(a) The commission on higher education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and state Legislature, its recommendations.

"(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research, or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor, and the Legislature that would strengthen the total program of higher education in the state.

"(c) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not ~~hereafter~~ undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any ~~such~~ plan submitted to the commission, or its staff, ~~however,~~ and not receiving final action by the commission within 10 months of submission shall be considered approved. The term 'new unit of instruction,' includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs; ~~and the~~ The commission may, under its rulemaking power, define the character of ~~such~~ the reasonable extensions and alterations.

"(d) The commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this chapter whose fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the house and senate no later than the fifth legislative day of the 1981 regular session of the Legislature. In making ~~such~~ the recommendation, the commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of ~~such~~ the time, it shall be mandatory that the president of the senate and the speaker of the house shall in their respective houses call for a recorded vote. ~~Such~~ The resolu-

tion by simple majority of both houses is required to affirm a commission recommendation. No more than one branch shall be continued or terminated in one resolution.

"(e) In order to facilitate the development of a statewide articulation agreement, the Alabama Commission on Higher Education and the State Board of Education shall jointly develop or select by January 1, 1993, a computerized advisement system for students which shall include comprehensive undergraduate program and course information for all two-year and four-year institutions of higher education. All two-year and four-year institutions in the state must participate in this system and the system must be operational by September 1995. This system shall ensure students at each two-year institution, accredited by the Southern Association's Commission on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to such four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall be treated by the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting program shall be included in the official catalog of each institution of higher education.

"In addition, there is created an articulation committee which shall consist of ten members composed as follows: two representing the state's regional universities, three representing the state's two-year colleges (ONE OF WHOM SHALL BE BLACK), one representing each of the following: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, and Alabama A&M University, and the Executive Director of the Alabama Commission on Higher Education shall serve as a nonvoting member.

"Unless provided by the governing board of the respective institution, the representatives to the articulation committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A&M University shall each select the representative of their institutions on the committee. It is the intent of the Legislature that women be represented on the committee. This committee shall develop no later than September 1, 1996, a statewide general studies curriculum to be taken during the freshman and sophomore years at all colleges and universities. Nothing herein shall be interpreted as restricting any institution from requiring additional general studies courses beyond the statewide general studies curriculum.

"This committee shall also develop and adopt no later than September 1, 1997, for the freshman and sophomore year, a statewide articulation agreement for the transfer of credit among all public institutions of higher education. Under

this articulation agreement, all applicable credits transferred from a two-year institution to a four-year institution shall be treated by the four-year institution as if they were earned at the four-year institution. The committee shall further examine the need for a uniform course numbering system, course titles, and descriptions.

"A four-fifths vote of the entire voting membership of the committee will be required for the adoption of the articulation agreement. Upon adoption of the articulation agreement, this committee shall continue its duty and authority prescribed herein. The committee shall meet at least annually, or at other times as convened by the chair. The committee shall elect annually a chair from its membership. Chairmanship of the committee shall rotate annually between a representative of the four-year institutions and representatives of two-year institutions.

"In case of problems in the administration or interpretation of the articulation agreement in the two-year institutions, the State Board of Education shall present the problem to the articulation committee for resolution. In case of problems in the administration of the articulation agreement in the four-year institution, the Alabama Commission on Higher Education shall present the problem to the articulation committee for resolution. The decision of the committee shall be final and binding.

"The budget recommendation of the commission shall not include an appropriation for institutions of higher education violating the stipulations of this section.

"(f) The State Board of Education, on behalf of the two-year institutions and each four-year institution, shall develop an examination for academic programs only for rising juniors and, in the case of the two-year institutions, for students completing all the requirements for an associate degree. The sole purpose of the examination shall be to identify and cause to be developed an institutional plan to improve the quality of instruction in the identified general studies curriculum. The examination so developed shall cover the subject areas identified as basic general studies curricula content. Examinations developed by the individual institution shall be administered by the institution after the test has been developed by the institution and mutually agreed upon by the institution and the Alabama Commission on Higher Education. Upon implementation of the examinations by the various institutions, an annual report of the analysis of the results of the examinations shall be submitted by each governing board to the Alabama Commission on Higher Education and the Legislature.

"(g) In those situations where any public two-year and four-year institution determines remedial education is necessary for the advancement of certain students, that institution shall provide quality remedial education in a cost-effective manner. Each public two-year and four-year institution shall report annually to the Alabama Commission on Higher Education the remedial credit hours produced.

"(h) (1) The Alabama Commission on Higher Education, jointly with the Council of College and University Presidents in the case of four-year institutions, and jointly with the State Board of Education in the case of two-year institutions shall, by February 1994, develop guidelines which shall be met before approval of new construction projects, including substantial expansion of existing facilities or the acquisition of existing facilities by purchase, or lease, other than lease renewal, by public institutions of higher education. Facilities funded from sources other than the Alabama Special Educational Trust Fund, the Alabama General Fund, or an Alabama Public School and College Authority Bond issue are exempt from these guidelines. If the Alabama Commission on Higher Education, jointly with the Council of Colleges and University Presidents in the case of the four-year institutions, and jointly with the State Board of Education in the case of the two-year institutions, determines that the projects and acquisitions do not meet the guidelines, those projects and acquisitions shall not be recommended for funding in the budget recommendation of the Alabama Commission on Higher Education. In the event that any party to the above determination believes that the guidelines have been violated, that party may then notify the Legislature of said violation.

"(2) Notwithstanding the foregoing, those institutions for which corrective action to upgrade physical facilities has been ordered by a federal court, including the cases of Knight et al. vs. Alabama and Lee vs. Macon, are exempt from these guidelines; provided, however, in cases where projects are funded solely from tuition and fees, such projects shall be reported to the Alabama Commission on Higher Education. If the Alabama Commission on Higher Education believes that said projects are in violation of the guidelines, it shall notify the Legislature of its objections by the tenth legislative day of the next regular or special session of the Legislature. If the Legislature fails to concur with the Alabama Commission on Higher Education by the passage of a law prohibiting said project prior to the end of said session, the decision of the governing board of the institution shall be final.

"(i) The Alabama Commission on Higher Education, jointly with the Council of College and University Presidents in the case of four-year institutions, and jointly with the State Board of Education in the case of two-year institutions, shall, by February 1994, develop proposed program viability standards, which take into account the missions of the individual institutions, for the evaluation of existing programs of instruction at all public institutions of higher education. Upon development of said proposed program viability standards as set out above, the proposed program viability standards shall be voted upon and adopted by the boards of trustees of the public colleges and universities, except in situations in which variances from said standards are deemed to be necessary. In those instances, the board of trustees shall negotiate such variances with the Alabama Commission on Higher Education. In the event that no settlement regarding such variances can be reached, the Legislature shall be notified that the institution does not meet program viability standards.

"(e) (j) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by

separate bill the approval of the Legislature for any new unit or program of instruction, research or public service denied approval by the commission, in which case the action of the Legislature, when approved by the governor or otherwise upon becoming law, is final.

"(f) (k) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation."

Section 2. Section 16-5-9, Code of Alabama 1975, is amended to read as follows:

"§16-5-9.

"(a) The governing boards of the public institutions of higher education shall submit to the commission through their appropriate administrative officers, not later than 90 days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

"(b) The commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this state, shall hold open hearings on the budget requests of the separate institutions and shall present to each institution and to the governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, ~~provided that nothing~~ Nothing herein shall be construed to prohibit any institutions of higher education in this state from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the governor at any time. Consistent with the provisions of Section 16-5-8(h) as set out above, funding for the acquisition, operation, and maintenance of facilities which do not meet the established guidelines shall not be recommended for funding in the commission's unified budget recommendation.

"(c) There is hereby established, and the commission shall enforce, a moratorium on new public institutions of higher education or new branches of existing public institutions of higher education for a period of not less than ten years. The Legislature may continue the moratorium for a specified period of time

by the passage of a joint resolution and with the approval of the governor."

Section 3. Section 16-5-10, Code of Alabama 1975, is amended to read as follows:

"§16-5-10.

"The commission shall exercise the following powers and duties in addition to those otherwise specified in this chapter:

"(1) To cause to be made surveys and evaluations of higher education ~~as~~ are believed necessary for the purpose of providing appropriate information to carry out ~~its~~ the powers and duties of the commission.

"(2) To recommend to the Legislature of Alabama the enactment of ~~such~~ legislation it deems necessary or desirable to insure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

"(3) To advise and counsel the governor, at his or her request, regarding any area of, or matter pertaining to, ~~postsecondary education~~ public higher education.

"(4) To establish definitions of the public institutions of higher education, including but not limited to, definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; ~~provided, that nothing~~ Nothing herein shall be construed as authorizing the commission to establish or create any university system, nor to alter any university system presently existing.

"(5) To develop and publish criteria which may be used by the Legislature as a basis:

"a. for changing the classification of any public institution of higher education; and

"b. for determining the need for new public junior colleges, public senior colleges, universities or university systems.

"Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing committee considering same the proposal, to the commission for its opinion as to the need ~~for the state therefore~~ therefor, and the commission shall report its findings to the governor and the Legislature.

"(6) There is hereby established, and the commission shall enforce, a moratorium on new public institutions of higher education or new branches of

existing public institutions of higher education for a period of not less than ten years. The Legislature may continue the moratorium for a specified period of time by the passage of a joint resolution and with the approval of the governor."

"(6) (7) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend ~~such~~ changes in classification or role and scope for ~~such~~ the institutions as it deems necessary and which may be agreed to by the governing board of the institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

"(7) (8) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

"(8) (9) To make continuing studies, on its own initiative or upon the request of the governor or the Legislature, of the financial needs of public higher education and issue such reports to the governor and the Legislature as may result from its studies.

"(9) (10) To submit to the governor and the Legislature on or before the first day in January of each year a written report covering the activities of the commission and the state of higher education in Alabama. The report shall include:

"a. Statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;_

"b. Comments upon major developments, trends, new policies, budgets and financial considerations which, in the judgment of the commission will be useful in planning a sound program of higher education;_and_

"c. Recommendations respecting ~~postsecondary education~~ higher education in this state as may be appropriate.

"(10) (11) To make rules and regulations for its meetings, procedures and execution of the powers and duties delegated to it by this chapter.

~~"(11) (12)~~ To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the state.

~~"(12) (13)~~ To conduct a program of public information in order to inform citizens of the state of matters of importance to higher education in Alabama.

~~"(13) (14)~~ To serve as the state agency for the administration of those titles of the Higher Education Act of 1965 (Public Law 89-329), as amended, for those programs requiring a single state agency for which the commission qualifies, unless otherwise designated by executive order.

~~"(14) (15)~~ To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the state of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the commission. The commission under its rulemaking authority shall establish criteria for the approval of such institutions and programs.

~~"(15) (16)~~ The powers and duties of the commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution of Alabama of 1901, or by statutes."

Section 4. Nothing in this act shall be interpreted or used in any way to discourage or impede the efforts or abilities of the historically black institutions or their officials to carry out the mandates and objectives of federal court decrees and to provide equal access for all citizens of Alabama to full benefits of higher education.

Section 5. It is the intent of the Legislature that all two-year and four-year institutions of higher education in the state comply with the intent of this act and the guidelines developed pursuant to it (unless otherwise exempted by this act). In the event of noncompliance by any institution governed by a board of trustees established by the Constitution no other two-year or four-year institution shall be required to comply. The Alabama Commission on Higher Education shall notify the Legislative Council, the governing body of each four-year institution, and the State Board of Education within 30 days of any failure to comply with this act or guidelines.

Section 6. Pursuant to Sections 16-5-7 and 16-5-8 of the Code of Alabama 1975, the Alabama Commission on Higher Education shall make regular reports to the Legislature regarding the implementation of this act.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall be implemented only if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the governor as required by law.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CONCUR

Representative Harper offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 229, said report being set out in the foregoing Report of the Committee on Conference.

SUBSTITUTE MOTION TO NON-CONCUR AND REQUEST A NEW COMMITTEE ON CONFERENCE BE APPOINTED TABLED

On motion of Representative Harper, the substitute motion offered by Representative Drake that the House non-concur in the Report of the Committee on Conference on the bill, H. 229, and request the Speaker appoint a new Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 229, was tabled.

Yeas 57; Nays 17.

Yea:

Mr. Speaker, Barnes, Biddle, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carns, Clark (W), Collins, Cosby, Cullins, Curry, Dolbare, Freeman, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Harper, Hawkins, Higginbotham, Hogan, Hooper, Knight, Kvalheim, Lindsey, McClain, McDowell, McKee, Melton, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Powell, Richardson, Sanderford, Sanderson, Spratt, Starkey, Thomas, Venable, Walker, Warren, Williams and Zoghby.

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Nay:

Representatives Anderson, Black (L), Black (M), Bowling, Crow, Drake, Escott-Russell, Hall, Haynes, Johnson, Kennedy, McMillan, Parker (P), Poole, Rich, Turnham and White.

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MOTION TO REMOVE FROM TABLE LOST

Having voted on the prevailing side by which the motion offered by Representative Drake to non-concur in the Report of the Committee on Conference on the bill, H. 229, and request the Speaker appoint a new Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 229, was tabled, Representative Millican offered the motion to remove the motion offered by Representative Drake from the table, and the motion offered by Representative Millican was lost.

Yeas 28; Nays 47.

Yea:

Representatives Anderson, Black (M), Bowling, Buskey (JL), Cagle, Crow, Drake, Escott-Russell, Flowers, Hall, Harvey, Haynes, Hogan, Johnson, Kennedy, Laird, Layson, McMillan, Mikell, Parker (P), Poole, Rich, Richardson, Smith (C), Turnham, Warren, White and Willis.

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Nay:

Mr. Speaker, Biddle, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Clark (W), Collins, Cullins, Curry, Dolbare, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Harper, Hawkins, Higginbotham, Hooper, Kvalheim, Lindsey, McDowell, McKee, Millican, Morrow, Morton, Newton (C), Parker (T), Payne, Penry, Petelos, Rockhold, Sanderford, Sanderson, Spratt, Starkey, Thomas, Venable, Walker, Williams and Zoghby.

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REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

The question was then on the motion offered by Representative Harper that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 229, and the motion was adopted.

Yeas 75; Nays 16.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Butler, Cagle, Campbell, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Higginbotham, Hill,

**REGULAR SESSION
29th Day**

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Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kvalheim, Laird, Layson, Lindsey, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Venable, Walker, Warren, Willis and Zoghby.

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Nay:

Representatives Black (L), Bowling, Buskey (JE), Clark (W), Drake, Flowers, Harvey, Haynes, Kennedy, McKee, McMillan, Perdue, Sanderford, Turnham, White and Williams.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 251, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To modify the tax imposed on the net income of corporations by repealing Code of Alabama (1975), Sections 40-16-1 through 40-16-8, 40-18-1 through 40-18-85, and 40-18-120 through 40-18-121 and 40-18-160 through 40-18-176; to provide for the determination of net income subject to said tax; to provide for the types and categories of income exempt from said tax; to provide for the imposition of a single rate income tax based on federal taxable income; to provide transitional rules and elections to reflect differences between Alabama and federal law; to provide for the collection of the tax by payment with returns, and by estimated tax

payments; to provide for a special asset based tax on credit unions; to provide for the severability of any invalid provision; to repeal conflicting laws; and to provide for effective dates and contingencies.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Article 1. General Provisions.

Section 1. Short Title.

This act shall be known and may be cited as the "Alabama Corporate Income Tax Reform Act of 1992."

Section 2. Legislative intent; operating rules.

(a) The Legislature hereby finds and declares that the adoption by this state for its corporate income purposes of certain provisions of the laws of the United States relating to the determination of income for federal income tax purposes will:

(1) simplify preparation of state income tax returns by taxpayers;

(2) improve enforcement of the state income tax laws by permitting better use of information obtained from federal income tax audits; and

(3) aid the interpretation of the state income tax laws through increased use of federal judicial and administrative determinations and precedents.

The Legislature does therefore declare that the provisions of this act are intended to accomplish the foregoing purposes.

(b) It is the further intent of the Legislature that a taxpayer's method of accounting, taxable year, elections to expense or capitalize certain amounts, elections to be taxed under subchapter S of the Internal Revenue Code, and other similar elections for federal income tax purposes shall also be effective for purposes of taxation under this act and that no separate election shall be required hereunder except as provided by regulations promulgated by the department of revenue.

(c) It is the further intent of the Legislature that all amendments to the Internal Revenue Code be given effect under this act in such manner and for such periods as are prescribed in the Internal Revenue Code, to the same extent as if such amendments had been adopted by the Legislature. The commissioner of revenue shall submit to the chairman (as from time to time elected) of the Committee on Ways and Means of the Alabama House of Representatives, at or prior to such Committee's first regularly scheduled meeting during each regular session of the Legislature, a written report as to any changes or contemplated changes to the Internal Revenue Code of which the commissioner is aware, that may have a

material effect on state revenues, so that such Committee, and the Legislature as a whole, may act accordingly.

Section 3. Definitions.

For purposes of this act, the following terms shall mean:

(a) **Business income.** Income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations.

(b) **Corporation.** Such term includes all corporations, associations, financial institutions (as defined in subsection (d)), joint stock companies, and publicly traded partnerships taxed as corporations under the Internal Revenue Code, but does not include insurance companies that are taxable on their premium income under the provisions of Title 27, Code of Alabama 1975.

(c) **Domestic corporation.** A corporation created or organized under the laws of the State of Alabama.

(d) **Financial institution.** Any person, firm, corporation, or legal entity whatsoever doing business in this state as a national banking association, bank, banking association, trust company, industrial or other loan company, building or loan association, credit union, leasing affiliate of another financial institution, and any other institution or person employing moneyed capital coming into competition with the business of national banks, and shall apply to such person or institution regardless of what business form and whether or not incorporated, and by whatsoever authority existing. The common parent corporation of a qualified corporate group of financial institutions eligible to elect to file a consolidated income tax return, in accordance with section 31(e) of this act, shall be considered a financial institution if such parent corporation is a registered bank holding company as defined by the Bank Holding Company Act of 1956, as amended. "Financial institution" shall not mean or include individual citizens and fiduciaries acting in a representative capacity for individual citizens, not engaged in a banking, loan, investment, or similar business, but merely making personal investments of personal or fiduciary funds in bonds, notes, or other evidences of indebtedness and not made in the competition with the business of national banks, nor shall such term apply to insurance companies or insurance associations merely making investments of reserves in bonds, notes, or other evidences of indebtedness and not made in competition with the business of national banks.

(e) **Foreign corporation.** Any corporation that is not a domestic corporation.

(f) **Internal Revenue Code; 26 U.S.C.** These synonymous terms refer to the Internal Revenue Code contained in title 26 United States Code, as in effect from

time to time.

(g) Net income tax. A tax that is imposed on or measured by the taxpayer's net income, by whatever name called.

(h) Non-business income. All income other than business income.

(i) Paid or accrued. The terms "paid or accrued" or "paid or incurred" shall be construed according to the taxpayer's method of accounting upon the basis of which net income is computed under this act.

(j) Partnership. Any entity, including certain limited liability companies, treated as a partnership under the Internal Revenue Code.

(k) Person. Any individual, trust, estate, corporation, association, or partnership.

(l) Private use property. Property that is treated for federal income tax purposes as owned by an individual, a partnership, or a corporation organized for profit even though title to such property may be held by a public authority or a county or municipal government.

(m) Public Authority. A corporation created for public purposes pursuant to a provision of the Constitution of Alabama of 1901 or a general or local law that authorized such corporation to issue bonds the interest on which was exempt from the Alabama income tax as in effect before the effective date of this act.

(n) Qualified corporate group. Two or more corporations, each of which is a financial institution subject to the tax imposed by this act, and each of which is a member of the same affiliated group as defined in 26 U.S.C. § 1504.

(o) S corporation. Any corporation that has in effect an election to be an S corporation under the Internal Revenue Code.

(p) State government; state or local government. Any state and such state's agencies and instrumentalities, and when the reference includes "local government," also means municipalities and political subdivisions of any state and their respective agencies and instrumentalities. "State" includes only the 50 states and the District of Columbia.

(q) Taxable year. The calendar year, or the fiscal year ending during such calendar year, employed for federal income tax purposes, or a period of less than 12 months resulting from a change in accounting period for federal income tax purposes or the fact that the taxpayer was not in existence for the entire 12 month period.

(r) Taxpayer. Any person subject to a tax imposed by this act, or whose

income is, in whole or in part, subject to a tax imposed by this act.

Section 4. Tax imposed.

(a) A tax is hereby imposed on the net income of every domestic corporation and every foreign corporation qualified to transact business, transacting business, or acting in a fiduciary capacity in Alabama.

(b) The rate of tax imposed by this section shall be:

(1) For taxable years beginning during 1993 and 1994, 5.0 percent.

(2) For taxable years beginning during 1995, 5.3 percent.

(3) For taxable years beginning during 1996, 5.7 percent.

(4) For taxable years beginning during and after 1997, 6.0 percent.

Section 5. Definition of net income of corporations.

"Net income" means the taxable income of the corporation for federal income tax purposes, as defined under 26 U.S.C. § 63, adjusted as provided in this act.

Section 6. Computation of net income: additions.

The following items shall be added to federal taxable income in computing net income:

(a) The amount of interest on obligations of state or local governments other than Alabama that is excludable from gross income for federal income tax purposes. The amount so added shall first be reduced, however, by the expenses allocable to such interest in accordance with the principles of 26 U.S.C. § 265(a) for corporations other than financial institutions and 26 U.S.C. § 265(b) or 26 U.S.C. § 291, as applicable, for financial institutions.

(b) Net income taxes paid or accrued to any state or to the government of any foreign country during the year that are deductible in computing federal taxable income.

(c) Any capital loss carryover, as defined under 26 U.S.C. § 1212, from a taxable year beginning before January 1, 1993, to the extent deductible for federal income tax purposes for the year.

(d) Any passive activity loss, as defined in 26 U.S.C. § 469, arising in a year beginning before January 1, 1993, to the extent deductible for federal income tax purposes for the year.

(e) Any loss arising in a taxable year beginning before January 1, 1993, that was deferred pursuant to the at risk rules of 26 U.S.C. § 465, to the extent deductible for federal income tax purposes for the year.

Section 7--Computation of net income: subtractions.

The following items shall be subtracted from federal taxable income in computing net income:

(a) Interest on obligations of the United States and its territories and possessions and its agencies and instrumentalities to the extent required by federal law. The amount subtracted shall first be reduced, however, by the expenses allocable to such interest in accordance with the principles of 26 U.S.C. § 265(a) for corporations other than financial institutions and 26 U.S.C. § 265(b) or 26 U.S.C. § 291, as applicable, for financial institutions.

(b) Refunds of net income taxes imposed by any state or the government of any foreign country that were deducted in determining the federal taxable income of the corporation for a year beginning after December 31, 1992.

(c) The amount included in gross income pursuant to 26 U.S.C. § 78.

(d) Interest on obligations of the state of Alabama, counties and municipalities in Alabama, and agencies and instrumentalities of any of the foregoing to the extent included in gross income for purposes of the federal income tax (not including interest from obligations that is included only for purposes of the alternative minimum tax), if such obligations were issued before January 1, 1993, or unless, in the case of public authority obligations issued with respect to private use property, such obligations were issued pursuant to an agreement (sometimes known as an "inducement agreement" or "official action") that was entered into before January 1, 1993.

(e) Any expense otherwise deductible (not including any amount properly added to capital account) paid or incurred during the taxable year that was not deducted for federal income tax purposes because the taxpayer properly elected to receive a federal income tax credit instead of deducting the expense. This subsection shall not apply to amounts allowed as a foreign tax credit under 26 U.S.C. § 27.

(f) For the tax year beginning during 1993, fifty percent of the federal income taxes paid or accrued during such tax year.

(g) At the election of the taxpayer and in lieu of the allocation and apportionment of income set forth in section 9, all taxable income derived by any financial institution organized under the laws of Alabama or under the laws of the United States having its principal place of business in Alabama on which another state has imposed a tax or by which another state has measured a tax.

(h) In the case of credit unions and savings and loan associations, the amount paid out as dividends on the withdrawable shares thereof, to the extent not already taken into account in determining federal taxable income.

Section 8. Corporations and other entities exempt.

(a) The following entities shall be exempt from the tax imposed by this act:

(1) Corporations that are exempt from federal income tax under 26 U.S.C. § 501. This subdivision shall not apply, however, to any entity that is not exempt from federal income tax by reason of 26 U.S.C. §§ 502 or 503; nor to any income of an otherwise exempt organization to the extent that such income constitutes "unrelated business taxable income," as defined in 26 U.S.C. § 512; nor to any credit union.

(2) Farm credit banks, but only to the extent provided by 12 U.S.C. § 2023.

(3) Federal land bank associations, but only to the extent provided by 12 U.S.C. § 2098.

(4) Credit Unions. In lieu of income tax, credit unions shall pay a special asset based tax calculated as follows:

(a) For taxable year 1993, .00575% of the total assets of the credit union as of the end of the calendar year.

(b) For taxable year 1994, .00634% of the total assets of the credit union as of the end of the calendar year.

(c) For taxable year 1995, .0069275% of the total assets of the credit union as of the end of the calendar year.

(d) For taxable year 1996, .007515% of the total assets of the credit union as of the end of the calendar year.

(e) For taxable year 1997, .0081% of the total assets of the credit union as of the end of the calendar year.

Provided that, the tax paid by a credit union for any calendar year shall not exceed 6% of their credit union's annual calendar year "net income (loss) after cost of funds" less "reserve transfers" as shown by the National Credit Union Administration form 5300s currently in use, less the following:

a. Interest on obligations of the United States, its agencies and instrumentalities to the extent required by Federal law.

b. Any loss carried forward from any previous year which has not previously

been offset against income for purpose of calculating this tax.

c. Other deductions allowed by Generally Accepted Accounting Principles applicable to credit unions.

Such asset based tax shall be paid and reported as prescribed in Article Three of this act, except that Section 33 Estimated Taxes shall not apply.

(5) Insurance companies which are subject to tax on their premium income under Title 27 Code of Alabama.

(6) S corporations.

(7) Homeowners associations, but only to the extent provided by 26 U.S.C. § 528;

(8) Political organizations, but only to the extent provided by 26 U.S.C. § 527;

(9) Farmers cooperatives, but only to the extent provided by 26 U.S.C. § 521.

(10) Organizations exempt under Section 115 of the Internal Revenue Code.

(b) The department of revenue shall promulgate regulations governing the taxation of domestic international sales corporations, foreign sales corporations, and export trading companies, and their shareholders, in accordance with the principles of their taxation under the Internal Revenue Code but subject to any limitations now or hereafter imposed by the United States Constitution or any treaty to which the United States is a signatory.

Section 9. Multistate business

(a) Any taxpayer, other than a financial institution electing under section 7(g), having income from business activity which is taxable both by Alabama and by another state shall allocate and apportion its income in accordance with this section. For purposes of this section, a taxpayer is taxable in another state if another state has jurisdiction to impose a net income tax on it regardless of whether the other state does so.

(b) The department of revenue shall promulgate regulations governing the allocation and apportionment of income pursuant to this section, which regulations shall be consistent with the Uniform Division of Income for Tax Purposes Act (UDITPA).

(c) Notwithstanding anything in this section to the contrary, any taxpayer

who has taxable income from business activities both within and without Alabama, whose only business activities within Alabama consist of sales and do not include owning or renting real estate or tangible personal property, and whose dollar volume of gross sales made during the tax year within Alabama is not in excess of \$100,000.00 may elect to report and pay any income tax due on the basis of a percentage of such volume. If a taxpayer elects to report and pay income tax due on the basis of a percentage of sales in Alabama, the percentage rate shall be 1/4 of 1 percent of such volume of sales. The tax computed under this subsection shall be treated as the tax imposed by section 4 for all purposes of this title.

(d) If the allocation and apportionment provisions of this section and the regulations promulgated hereunder do not fairly represent the extent of the taxpayer's business activity in Alabama, the taxpayer may petition for or the department of revenue may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) Separate accounting;

(2) The exclusion of any one or more of the factors;

(3) The inclusion of one or more additional factors which will fairly represent the taxpayer's business activity in Alabama; or

(4) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

Section 10. Effect of federal carrybacks.

(a) If a corporation recomputes its taxable income for any year for federal income tax purposes as a result of a carryback of a capital loss or net operating loss, it shall recompute its net income for such year in accordance with this act.

(b) Any election made by the taxpayer for federal income tax purposes under 26 U.S.C. § 172(b)(3) is not binding for purposes of determining net income under this act. If the taxpayer for purposes of this act does not elect to relinquish a net operating loss carryback and carries back a net operating loss to any taxable year, then the taxpayer shall recompute its net income for such taxable year in accordance with this act. The taxpayer's federal taxable income determined for purposes of section 5 shall be adjusted to reflect any such elections in respect of net operating losses that are different for purposes of federal income taxes and for purposes of this act.

(c) Notwithstanding subsections (a) and (b), no capital or net operating loss shall be carried back to a year beginning before January 1, 1993, and any amount that would be carried back to such a year but for this subsection shall be carried to the earliest year beginning after December 31, 1992, for which it may be deducted under the rules of 26 U.S.C. § 172, for net operating losses, and 26 U.S.C.

§ 1212, for capital losses.

Section 11. Allowance of special Alabama adjustments.

(a) Any taxpayer may, in computing the taxpayer's taxable income for purposes of this act, elect to make an additional addition adjustment under section 6 or an additional subtraction adjustment under section 7 to take into account any difference that would result from using the taxpayer's basis in property for purposes of the Alabama income tax or financial institution excise tax as of the end of the last taxable year beginning before January 1, 1993, in computing the amount of any item of income, gain, loss, deduction, or credit. The adjustment allowed by this subsection may be made with respect to one or more assets owned by the taxpayer. The election to make an adjustment allowed by this subsection shall be made on the return for the first year in which the taxpayer's liability for tax under this act would be different if the adjustment were made.

(b) Any taxpayer may elect to deduct from net income, after allocation and apportionment pursuant to section 9 or adjustment under section 7(g), any Alabama net operating losses that were available to be carried forward from taxable years beginning before January 1, 1993. For purposes of this subsection, "Alabama net operating losses" means net operating losses computed under and subject to the limitations of the Alabama income tax contained in chapter 18 of title 40, Code of Alabama 1975, or the financial institution excise tax contained in chapter 16 of title 40, Code of Alabama 1975 as in effect before the effective date of this Act. Any taxpayer making this election shall add, as an additional adjustment to federal taxable income under section 6, an amount equal to the amount allowed as a net operating loss deduction for federal income tax purposes for the taxable year that is attributable to taxable years beginning before January 1, 1993, such addition to be made before allocating and apportioning federal taxable income to Alabama under section 9, or adjusted under section 7 (g).

(c) If (i) a taxpayer does not have positive federal taxable income for the taxable year, (ii) the taxpayer, but for this subsection, has positive net income for Alabama income tax purposes for the taxable year, and (iii) the taxpayer has net operating losses available from other taxable years for carryover or carryback to the taxable year for federal income tax purposes, the taxpayer may elect to make an additional subtraction adjustment pursuant to section 7 in an amount equal to such unused net operating losses or so much of such net operating losses as reduces the taxpayer's net income to zero. If a taxpayer makes this election, the amount of taxpayer's federal net operating loss carryover or carryback that may be used in computing the tax under this act in future years shall be reduced by the amount deducted under this subsection.

(d) In the case of an oil and gas property, the taxpayer may elect to compute depletion under this subsection.

(1) Percentage depletion may be computed as a percentage of the gross income from the property in accordance with the following table:

Taxable years beginning in:	Percent of gross income from the property:
1993	26%
1994	25%
1995	24%
1996	23%
1997	22%

Gross income from the property, for purposes of this subsection, shall not include any rents or royalties paid or incurred by the taxpayer in respect of the property. The percentage depletion deduction under this subsection shall not exceed 50 percent of the net income from the property for purposes of this act, computed without a deduction for depletion.

(2) If the amount of cost depletion in respect of the property exceeds percentage depletion computed under this subsection, then the amount of cost depletion shall be the depletion allowance for the property. The cost depletion allowance for the property may be, but need not be, based on the basis of the property as adjusted under subsection (a).

(3) A taxpayer who elects to determine depletion under this subsection shall treat the amount allowed as a depletion deduction in respect of the property for federal income tax purposes as an addition adjustment under section 6.

(e) An election to take into account an Alabama basis adjustment, to deduct an Alabama net operating loss, to deduct an unused federal net operating loss, or to compute depletion under this section shall be made in compliance with regulations promulgated by the department of revenue and may be revoked only with the permission of the department of revenue.

Article 2. Reporting requirements.

Section 21. Information from source, etc.

(a) The department of revenue may by regulation require persons required to file information reports under Part III of Subchapter A of Chapter 61 of the Internal Revenue Code to file information returns with the department of revenue.

(b) The regulations promulgated by the department of revenue hereunder shall, to the maximum extent possible and consistent with this act, follow the regulations promulgated from time to time by the Internal Revenue Service pursuant to Part III of Subchapter A of Chapter 61 of the Internal Revenue Code.

Returns or statements required hereunder shall be filed or furnished to the person, as the case may be, on or before the due date (including extensions) prescribed for the corresponding return or statement under the Internal Revenue Code.

Article 3. Returns, payment of income tax liability.

Section 31. Corporation returns.

(a) Every corporation subject to this act shall file a return with the department of revenue. Said return shall contain the taxpayer's name, mailing address, employer identification number, net income, tax liability under this act, and such other information as the department of revenue may require.

(b) Returns required by this section shall be filed on or before the fifteenth day of the third month following the close of the taxpayer's taxable year. The department of revenue may grant a reasonable extension of time for filing returns, under such rules and regulations as it shall prescribe, and shall grant an extension of time if and to the extent that an extension was granted by the Internal Revenue Service. Except as permitted by the department of revenue, no such extension shall be for more than six months. If the taxpayer has requested an extension of time for the filing of a return, the period during which such return will be considered timely filed shall not expire until 10 days after the department of revenue mails to the taxpayer a rejection of its request for an extension of time for filing such return.

(c) If a taxpayer changes its taxable year with the approval of the Internal Revenue Service, the taxable year for purposes of this title shall likewise change automatically and no approval of the department of revenue shall be required. The taxpayer's first return shall include the period beginning when the taxpayer first becomes subject to this act and ending with the taxpayer's taxable year end.

(d) The return required by this section shall be signed by an authorized officer or employee under penalties of perjury.

(e) Qualified corporate groups, as defined in this act, shall have the option to file one income tax return on a consolidated basis or to file separate returns. A newly acquired corporation that has a potential separate return year as well as a consolidated year shall have the option of filing a separate return including all of its income for that year or filing as part of the consolidated group for the entire taxable year. A newly created, controlled corporation shall either file a separate return or as part of the consolidated return determined by the election of the corporate group for the year. Any qualified corporate group electing to file on a consolidated basis shall be assessed and pay a fee of \$6000 for the privilege of filing on a consolidated basis if the consolidated tax liability under this act is \$1,000,000 or more and \$3000 if the consolidated tax liability under this act is less than \$1,000,000.

Section 32. Payment of tax liability.

(a) Except as provided in subsection (b), the balance of the tax owed after credits shall be due and payable on the 15th day of the third month following the end of the corporation's taxable year.

(b) The tax imposed by this act or any estimated tax payment thereof may be paid, at the election of the taxpayer, prior to the date prescribed for its payment.

Section 33. Estimated taxes.

(a) Every taxpayer shall pay estimated taxes which amount to 90 percent of the tax shown on the return for the taxable year (or the tax imposed by section 4 for the taxable year if no return is filed) or 100 percent of the tax liability shown on the return for the immediately preceding year (but only if it was a 12-month year).

(b) Estimated taxes shall be paid in four equal installments as follows:

- | | | |
|------------------------|---|--------------|
| (1) First installment | - | April 15 |
| (2) Second installment | - | June 15 |
| (3) Third installment | - | September 15 |
| (4) Fourth installment | - | December 15 |

The dates specified shall be adjusted to corresponding dates in the case of taxpayers who compute their taxes on the basis of a fiscal year or a year of less than 12 months. Financial institutions shall pay the estimated tax payments during the first year under this act, but shall not pay any financial institution excise tax during such year. Should any financial institution excise tax be paid by a financial institution during such first year, the amount thereof shall be a credit against the taxes payable under this act for such year.

(c) If a taxpayer does not make the required estimated tax payments, an additional tax shall be due under this act in the amount determined by multiplying the underpayment rate established under 26 U.S.C. § 6621 by the product of the amount of the underpayment and the period of the underpayment. The term "amount of the underpayment" means the excess of the payment required by subsection (a) over the amount paid before the due date of the payment. The term "period of the underpayment" means the period beginning on the due date of the payment and ending on the earlier of the date the payment (or a portion thereof) is paid or the due date for the return for the taxable year.

(d) No additional tax shall be imposed under subsection (c) if the sum of the payments required under subsection (a) do not exceed \$500.

(e) The department of revenue shall prescribe regulations to carry out the purposes of this section, which regulations shall be consistent with 26 U.S.C. § 6655, and which shall contain rules for determining the required payment on an annualized or seasonally adjusted basis and which shall contain rules consistent with 26 U.S.C. § 6654(i) (relating to farmers and fishermen).

Article 4. Repealer; conflicting laws; severability; effective dates.

Section 41. Sections 40-16-1 through 40-16-8 (relating to the financial institution excise tax), 40-18-1 through 40-18-85, 40-18-120 through 40-18-121 and 40-18-160 through 40-18-176 (relating to the Alabama income tax) are hereby repealed.

Section 42. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 43. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

Section 44. Effect of repeal of prior acts. The repeal of a prior act or part thereof by this Act shall not affect any right accrued or established, or any liability or penalty incurred, under the provisions of such act prior to its repeal.

Section 45. Effective dates.

This act shall be effective for all taxable years or periods beginning after December 31, 1992, if the constitutional amendment proposed by House Bill 252 of the 1992 Regular Session has been ratified by the people and proclaimed by the Governor as required by law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 251, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 65; Nays 17.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hammett, Haney, Harper, Harvey, Hawkins, Higginbotham, Hill, Hogan,

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Holley, Holmes, Knight, Kvalheim, Lindsey, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Willis and Zoghby.

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Nay:

Representatives Black (L), Black (M), Bowling, Hall, Haynes, Hooper, Johnson, Laird, Layson, Mathis, McKee, McMillan, Payne, Poole, Walker, White and Williams.

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REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL 470

We, the Committee on Conference appointed to reconcile the disagree between the two houses concerning H. 470, have met, considered the bill as substituted, and have agreed to the following report:

We recommend that the Senate Industrial Development and Expansion Substitute for H. 470 be substituted by the attached Conference Committee Substitute for H. 470 and then passed by both houses.

RALPH BURKE
RICHARD J. LINDSEY
VICTOR GASTON

Conferees on the Part of the House

GERALD DIAL
DON HALE
ANN BEDSOLE

Conferees on the Part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To provide for the Atomic Veterans NUKED Commemorative Tag Program, Veteran Commemorative Tag Program, and the Environmental Commemorative Tag Program; to provide for the distribution of certain fees for veteran commemorative tags and for environmental commemorative tags; for this purpose to amend Section 32-6-150 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to establish an Alabama Environmental Education initiative; to supplement environmental programs; to improve and maintain Alabama's environment; to create and sustain an environmental education program; to provide a basis to support environmental education programs of the various state agencies; and to create, with the assistance of the Alabama Education Department, an environmental education curriculum. For this purpose, the Environmental Personalized and Commemorative Tag Program, and the Alabama Environmental Education Fund are established. Further, the Alabama Legislature desires to provide a commemorative tag program to recognize certain veterans.

Section 2. Section 32-6-150 of the Code of Alabama 1975, is amended to read as follows:

"§32-6-150.

"(a) Owners of motor vehicles who are residents of Alabama, upon application to the probate judge or commissioner of licenses complying with the state motor vehicle laws relating to registration and licensing of motor vehicles and payment of the regular license fee for tags or plates as provided by law for private passenger or pleasure motor vehicles, and, except as provided in subsection (b), the payment of an additional annual fee of \$50.00, shall be issued personalized license tags or plates upon which, in lieu of the numbers prescribed by law, shall be inscribed such special letters, figures, numbers or other marks, emblems, symbols or badges of distinction or personal prestige or combination thereof as are approved for and assigned to the application by the state department of revenue.

"(b) The special marks or badges of distinction shall include distinctive commemorative tags, assigned by the department of revenue for each of those public and private four year colleges or universities and Athens College participating in such commemorative tag program and distinctive, commemorative tags, assigned by the Department of Revenue for the Atomic Veterans NUKED Tag Program for veterans of the U.S. armed forces exposed to dangerous levels of radiation due to atomic bomb and weapons testing from 1946 to 1962, the Veteran Tag Program for Vietnam veterans, Korean War veterans, World War II veterans, veterans of the Battle of the Bulge, veterans awarded the Purple Heart for being wounded in action, and veterans of Desert Shield/Desert Storm and the Environmental Commemorative Tag Program. The commemorative tags shall be issued, printed, and processed in the same manner as other personalized tags are in this chapter. The fee for such commemorative tags shall be the amount provided in subsection (a) herein, except for the Atomic Veterans NUKED commemorative tags and the veteran commemorative tags which fee shall be an annual additional fee of fifteen dollars (\$15) payable to the Department of Revenue to cover the costs of production and issuance of the tags. Such commemorative tags shall be valid for five years and shall be replaced at the end of the period with conventional tags or other personalized tags. Payment of the required motor vehicle license

fees and taxes for the years during which a new vehicle license plate is not issued shall be evidenced as provided for in section 32-6-63. The board of trustees of the respective colleges and universities shall design, or have designed, the commemorative tag subject to approval by the commissioner of revenue and compliance with all laws and regulations. The Vietnam Veterans of America (VVA), Alabama State Council for Vietnam veteran commemorative tags, the Department of Veteran Affairs for other Atomic Veterans NUKED commemorative tags and for veteran commemorative tags, and the Department of Environmental Management for environmental commemorative tags shall each respectively design, or have designed the personalized veteran tags and the environmental commemorative tag or plate, subject to approval of the Commissioner of Revenue and compliance with all laws and regulations except that Section 32-6-54 shall not apply to personalized environmental commemorative tags or plates. Any applicant for a Vietnam veteran commemorative tag shall be a Vietnam era veteran and the Vietnam Veterans of America (VVA), Alabama State Council, shall certify all Vietnam veterans eligible for a Vietnam veteran commemorative tag. An applicant for an Atomic Veterans NUKED or for any other veteran tag shall be a veteran of the appropriate conflict or otherwise qualify for a veteran tag and the Department of Veterans Affairs shall certify that the veteran is eligible for the appropriate veteran commemorative tag.

"(c) The Troy State University commemorative tags issued January 1, 1987, through October 31, 1987, shall continue to be valid without payment of the additional fee provided in this section until the expiration date in the year 1992, or until otherwise becoming invalid or expired provided the regular annual license fees continue to be paid each year.

"(d) Each college or university desiring a commemorative tag shall pay to the department of revenue such sum as the commissioner may require to cover the cost of production of the tags requested by such college or university before any such production occurs.

"(e) The Department of Environmental Management shall pay to the Department of Revenue the sum the commissioner may require to cover the costs of production of the personalized environmental commemorative tags before production occurs."

Section 3. Any fees collected pursuant to this act for environmental commemorative tags shall be distributed to the Alabama Environmental Education Fund and are appropriated each year to the Department of Environmental Management. Funds appropriated to the Department of Environmental Management shall be used for environmental education. The expenditure of the funds appropriated shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Chapter 4 of Title 41 (commencing with Section 41-4-80) of the Code of Alabama 1975. The fees represent a charitable contribution from the purchaser to the Alabama Environmental Education Fund.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. The provisions of this act are supplemental and shall not be construed to repeal any law not in direct conflict with this act.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Burke, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 470, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Dolbare, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 375.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Anderson, Barnes, Biddle, Black (L), Blakeney, Box, Bryant, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins,

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Dolbare, Escott-Russell, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representative Haynes.

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BUDGET ISOLATION RESOLUTION

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, S. 375, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill:

S. 375. Relating to oil and gas; empowering the State Oil and Gas Board to authorize and regulate the storage of gas in underground reservoirs, strata, or formations, in conjunction with the condemnation rights conferred by chapter 5, Title 10 of the Code of Alabama 1975, and the eminent domain procedures prescribed in chapter 1A, Title 18, Code of Alabama 1975, and exempting storage operators from certain privilege taxes.

was taken up.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment #1 to the bill, S. 375:

Amend S. 375 on page 7, Section 7, lines 30 through 33 and page 8, lines 1 and 2 by deleting the following language: ~~All gas extracted or withdrawn from a storage facility by the storage operator shall be deemed to be gas injected into the facility by the storage operator except to the extent that it is shown that the total volume of gas so extracted or withdrawn exceeds the total volume of gas so injected.~~ and inserting in lieu thereof the following: All hydrocarbons extracted or withdrawn from the underground reservoir which were not injected, including any oil, condensate or natural gas liquids, shall be subject to applicable severance taxes under sections 9-17-25 through 9-17-31 and under Article I, Chapter 20 of Title 40 of the Code.

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghyb.

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AMENDMENT OFFERED

Representative Dolbare offered the following amendment #2 to the bill, S. 375, as amended:

Amend S. 375 on page 8, Section 8 by deleting lines 4 through 10 and inserting in lieu thereof the following: Nothing in this act shall apply to the conduct

of gas storage operations as a part of or in conjunction with any secondary or tertiary recovery methods being utilized with respect to a unit pool in a unit area heretofore or hereafter established by the board pursuant to Article 3, Chapter 17, Title 9 of the Code; and the Board shall not allow the creation or operation of a storage facility pursuant to this act within any underground reservoir where such secondary or tertiary recovery methods are being utilized.

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Representative Dolbare offered the following amendment #3 to the bill, S. 375, as amended:

Amend S. 375 on page 5, Section 3, line 10 after the words "supplemental to its order of approval." by adding the following language: As a part of the board's determination contained in such supplemental order, the board shall determine a period of time which encompasses the remaining natural production capability of the underground reservoir to produce such commercially recoverable gas and then determine an apportionment of the total volume of such gas withdrawn from the storage facility between (i) injected gas withdrawn from storage and (ii) production of said remaining commercially recoverable gas in said reservoir. All volumes of such gas deemed production under subsection (ii) herein shall be subject to the levy of applicable severance taxes under Article I, Chapter 20 of Title 40 of the Code.

AMENDMENT ADOPTED

And the amendment #3 was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Walker, Warren, White, Williams, Willis and Zoghby.

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And the bill, S. 375, as amended, was read a third time at length and passed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Buskey (JE) offered the

motion to reconsider the vote by which the Budget Isolation Resolution relating to the bill, S. 437, was lost, and the motion to reconsider was adopted.

Yeas 71; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Cagle, Carothers, Clark (W), Collins, Cosby, Crow, Cullins, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Hall, Hamilton, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Johnson, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Perdue, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Walker, Warren, Willis and Zoghby.

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Nay:

Representatives Clay, Kennedy, McDowell, Payne, Rogers (J), Smith (R) and Williams.

- 7

BUDGET ISOLATION RESOLUTION OFFERED

Representative Black (M) offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 437.

MOTION TO CARRY OVER ADOPTED

On motion of Representative White, the bill, S. 437, and the pending Budget Isolation Resolution were temporarily carried over.

Yeas 43; Nays 20.

Yea:

Representatives Beasley, Carns, Carothers, Clay, Collins, Crow, Curry, Dolbare, Flowers, Freeman, Gaines, Gaston, Grayson, Hall, Harvey, Hawkins, Higginbotham, Hill, Hogan, Knight, Kvalheim, McClain, McKee, Melton, Morton, Newton (C), Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Spratt, Starkey, Turnham, Walker, Warren, White, Willis and Zoghby.

-43

Nay:

Representatives Anderson, Black (L), Black (M), Blakeney, Bugg, Cosby, Escott-Russell, Goodwin, Haney, Laird, Layson, McDowell, McMillan, Mikell, Parker (P), Parker (T), Payne, Penry, Smith (R) and Williams.

-20

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative White, the rules were suspended in order to take up out of order the Budget Isolation Resolution and the bill, S. 595.

Yeas 65; Nays 11.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Blakeney, Buskey (JE), Buskey (JL), Butler, Cagle, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Hammett, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Johnson, Kennedy, Knight, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Millican, Morton, Newton (C), Newton (D), Parker (T), Penry, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-65

Nay:

Representatives Anderson, Goodwin, Grayson, Hall, Haney, Layson, McClain, McDowell, Parker (P), Payne and Rogers (J).

-11

BUDGET ISOLATION RESOLUTION

On motion of Representative Harvey, the Budget Isolation Resolution relating to the bill, S. 595, was adopted.

Yeas 84; Nays 3.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Cagle, Campbell, Carns,

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Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Hill, Hogan, Hooper, Johnson, Kennedy, Knight, Kvalheim, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-84

Nay:

Representatives Anderson, Laird and McDowell.

- 3

And the bill:

S. 595. To make a supplemental appropriation of \$26,220,000 from the Public Road and Bridge Fund to the State Highway Department for fiscal year 1991-92 for federal aid matching and state maintenance.

was read a third time at length and passed.

Yeas 80; Nays 2.

Yea:

Mr. Speaker, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Burke, Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-80

Nay:

Representatives Anderson and McDowell.

- 2

BUDGET ISOLATION RESOLUTION

On motion of Representative Biddle, the Budget Isolation Resolution relating to the bill, S. 110, was adopted.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harper, Hawkins, Haynes, Hill, Hogan, Holladay, Holmes, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

-78

Nay:

Representatives McKee and Payne.

- 2

AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, S. 110:

On page 2, line 9, after the period, insert the following language: These security officers shall have met minimum standards.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Fuller, Gaines, Gaston, Grayson,

Gullatt, Hall, Hamilton, Hammett, Haney, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-79

AMENDMENT OFFERED

Representative White offered the following amendment to the bill, S. 110, as amended:

On page 2, line 9, after the period, insert the following language: Any security officers employed after the effective date of this act shall have met minimum standards.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 7.

Yea:

Mr. Speaker, Anderson, Beasley, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Hamilton, Hammett, Haney, Hawkins, Higginbotham, Hill, Hogan, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (D), Parker (T), Payne, Penry, Petelos, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White and Willis.

-74

Nay:

Representatives Grayson, Hall, Haynes, Holley, Johnson, McKee and Parker (P).

- 7

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, S. 110, as amended:

Amend S. 110 on page 2, Section 3, line 13 by adding after the word act, the following: The Clerk of the House shall provide a report to each house member at the beginning of each session listing the number of arrest and for what offense they were arrested for the past year for each arrest by House security personnel.

AMENDMENT TABLED

On motion of Representative Biddle, the amendment offered by Representative Payne to the bill, S. 110, as amended, was tabled.

Yeas 52; Nays 15.

Yea:

Representatives Anderson, Beasley, Box, Bugg, Burke, Cagle, Campbell, Carothers, Clay, Cosby, Crow, Dolbare, Flowers, Freeman, Gaines, Gaston, Gullatt, Hall, Hamilton, Hammett, Haney, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Layson, Lindsey, Mathis, McDowell, Mikell, Morrow, Morton, Parker (P), Penry, Rich, Richardson, Rogers (F), Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Warren, Willis and Zoghby.

-52

Nay:

Representatives Black (L), Bryant, Carns, Cullins, Curry, Escott-Russell, Hawkins, Laird, McClain, McKee, McMillan, Parker (T), Payne, Rogers (J) and Sanderson.

-15

And the bill, S. 110, as amended, was read a third time at length and passed.

Yeas 65; Nays 12.

Yea:

Mr. Speaker, Anderson, Barnes, Beasley, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Clay, Cosby, Crow,

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Cullins, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Gullatt, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Morrow, Morton, Newton (D), Penry, Petelos, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-65

Nay:

Representatives Carns, Curry, Dolbare, Grayson, Hall, Higginbotham, Holley, Johnson, McKee, Parker (T), Payne and Sanderson.

-12

BUDGET ISOLATION RESOLUTION

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, S. 437, was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Burke, Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-78

Nay:

Representative Payne.

- 1

And the bill:

S. 437. Relating to the judicial system and employees of the Supreme Court, Courts of Appeal, and State Law Library; to further provide for court costs in appellate cases to be deposited in the State Law Library Fund and that such funds be invested in an interest-bearing account; and to repeal Sections 12-2-150, 12-2-151, 12-2-152, 12-2-153, 12-2-154, 12-2-155, 12-2-156, 12-2-158, and Sections 12-4-1, 12-4-2, 12-4-3, and 12-4-4, inclusive, Code of Alabama 1975.

was taken up.

AMENDMENT OFFERED

Representative Campbell offered the following amendment to the bill, S. 437:

On page 1, line 13, delete the words "Court costs in", delete line 14 in its entirety and on line 15, delete the following language: "State Law Library Fund."

On page 1, line 19, add a period after the word "librarian" and delete the remainder of line 19 and delete lines 20 to 23, inclusive, in their entirety.

On page 1, line 30, delete the word "to", delete lines 31 and 32 in their entirety, and on line 33, delete the following language: "invested in an interest-bearing account;"

On page 2, lines 25 to 34, and on page 3, lines 1 to 4, delete Section 3 in its entirety and renumber all subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-84

And the bill, S. 437, as amended, was read a third time at length and passed.

Yeas 83; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JE), Cagle, Campbell, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim,

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Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

-83

Nay:

Representatives Carns, Dolbare and Payne.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 595. To make a supplemental appropriation of \$26,220,000 from the Public Road and Bridge Fund to the State Highway Department for fiscal year 1991-92 for federal aid matching and state maintenance.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

S. 211 TAKEN UP

MOTION IN WRITING ADOPTED

Representative McKee offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 33; Nays 31.

Yea:

Representatives Bryant, Bugg, Burke, Cagle, Carns, Collins, Crow, Curry, Hamilton, Haney, Harvey, Hawkins, Hill, Hooper, Knight, Laird, McKee, McMillan, Morton, Newton (C), Parker (T), Payne, Powell, Rich, Richardson, Sanderford, Smith (C), Smith (R), Spratt, Starkey, Walker, Warren and Willis.

-33

Nay:

Representatives Anderson, Black (L), Box, Buskey (JE), Buskey (JL), Clark (W), Cosby, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Haynes, Higginbotham, Holley, Johnson, Kennedy, Kvalheim, Layson, Morrow, Parker (P), Poole, Rockhold, Rogers (F), Sanderson, Thomas and Turnham.

-31

And the bill:

S. 211. To amend Sections 11-98-1, 11-98-2, 11-98-4, 11-98-5, and 11-98-6 of the Code of Alabama 1975, relating to emergency telephone service and communication districts; to provide further for the service areas, the structure and powers of the board of commissioners, and the type of emergency service.

was read a third time at length and passed.

Yeas 72; Nays 3.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Gaines, Gaston, Gullatt, Hamilton, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Willis and Zoghby.

-72

Nay:

Representatives Escott-Russell, Freeman and Hall.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Hill offered the motion to reconsider the vote by which the bill, S. 211, was passed, and the motion to reconsider was adopted.

Yeas 69; Nays 16.

Yea:

Representatives Anderson, Barnes, Beasley, Biddle, Black (L), Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Gaines, Grayson, Gullatt, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson, Kennedy, Layson, Lindsey, Mathis, McClain, McDowell, McMillan, Melton, Millican, Morrow, Morton, Parker (P), Payne, Petelos, Powell, Rich, Richardson, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turnham, Venable, Warren, White, Williams and Willis.

-69

Nay:

Mr. Speaker, Blakeney, Gaston, Haney, Hawkins, Haynes, Hooper, Kvalheim, Laird, McKee, Mikell, Parker (T), Penry, Rockhold, Walker and Zoghby.

-16

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, S. 211:

On page 1, line 33, after the word "municipality" insert the following language: except Class 1, or 3 municipalities

Also, on page 1, after line 33, insert the following language: except in counties where any Class 1, 2, or 3 municipality is located

On page 10, after line 2, insert the following language as a new Section 2 and renumber the subsequent section accordingly:

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part that remains.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 39; Nays 37.

Yea:

Representatives Barnes, Biddle, Black (L), Box, Bryant, Burke, Buskey (JE), Buskey (JL), Clark (W), Clay, Cosby, Crow, Curry, Dolbare, Escott-Russell, Freeman, Gaines, Grayson, Gullatt, Hall, Harvey, Hawkins, Higginbotham, Hill, Holley, Holmes, Kennedy, McClain, Melton, Morrow, Morton, Parker (P), Payne, Rogers (F), Rogers (J), Sanderford, Sanderson, Starkey and White.

-39

Nay:

Representatives Anderson, Beasley, Blakeney, Bugg, Carns, Carothers, Cullins, Flowers, Gaston, Hamilton, Hammett, Haney, Haynes, Hooper, Johnson, Kvalheim, Laird, Layson, Mathis, McKee, McMillan, Mikell, Newton (C), Parker (T), Penry, Poole, Powell, Rich, Richardson, Rockhold, Smith (C), Turnham, Venable, Walker, Warren, Williams and Zoghby.

-37

And the bill, S. 211, as amended, was again read a third time at length and passed.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Carns, Carothers, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Hall, Hamilton, Haney, Harper, Harvey, Hawkins, Haynes, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Starkey, Thomas, Turnham, Warren, White, Williams, Willis and Zoghby.

-81

Nay:

Representative Higginbotham.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 110. To provide for legislative security personnel and provide for their powers and duties.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 177. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

**MOTION TO NON-CONCUR AND REQUEST
COMMITTEE ON CONFERENCE BE APPOINTED OFFERED**

Representative Harper offered the motion that the House non-concur in the Report of the Committee on Conference on the bill, H. 177, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 177, said Senate amendment being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1992-93 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agencies concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.
- (e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1993, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

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Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
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2A. LEGISLATIVE:

1. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Legislative Support-Audit Services Program.....	11,454,460
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SOURCE OF FUNDS:

(1) State General Fund.....	10,954,460		
(2) Federal Funds.....		500,000	
Total Department of Examiners of Public Accounts.....	10,954,460	500,000	11,454,460

2. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	375,014
---	---------

SOURCE OF FUNDS:

(1) State General Fund.....	375,014		
Total Alabama Law Institute.....	375,014		375,014

3. LEGISLATIVE COUNCIL:

(a) Legislative Operations and Support Program.....	479,900
--	---------

Of the above appropriation, \$250,000
shall be expended for the Southern
Legislative Conference Annual
Meeting (SLC-Mobile, 1993).

SOURCE OF FUNDS:

(1) State General Fund.....	479,900
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Pursuant to Section 29-6-1 et seq.,
Code of Alabama 1975.

Total Legislative Council.....	479,900	479,900
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4. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program.....	1,065,383
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SOURCE OF FUNDS:

(1) State General Fund.....	1,065,383
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Total Legislative Fiscal Office.....	1,065,383	1,065,383
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5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program.....	1,502,734
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SOURCE OF FUNDS:

(1) State General Fund.....	1,502,734
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Total Legislative Reference Service.....	1,502,734	1,502,734
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6. LEGISLATURE:

(a) Legislative Operations and Support Program.....	12,230,861
--	------------

It is the intent of the Legislature that

(1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House, (3) \$7,000 shall be allocated to the permanent municipi-

pal government committee as required by Section 29-2-60 through 29-2-62, Code of Alabama 1975, and (4) at least \$350,000 shall be allocated for a permanent legislative committee on reapportionment as required by Section 29-2-50 through 29-2-53, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	12,230,861	
Total Legislature.....	12,230,861	12,230,861

7. LEGISLATURES, NATIONAL
CONFERENCE OF STATE:

(a) Legislative Operations and Support Program.....		90,028
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SOURCE OF FUNDS:

(1) State General Fund.....	90,028	
Total National Conference of State Legislatures.....	90,028	90,028

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.....		1,357,226
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SOURCE OF FUNDS:

(1) State General Fund.....	1,357,226	
Total Court of Civil Appeals.....	1,357,226	1,357,226

2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program.....		2,236,366
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>2,236,366</u>	
Total Court of Criminal Appeals.....	<u>2,236,366</u>	<u>2,236,366</u>

3. JUDICIAL BUILDING AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....		1,340,247
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SOURCE OF FUNDS:

(1) Judicial Building Authority Fund, Estimated.....	1,340,247	
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In accordance with Sections
41-10-260 through 41-10-284,
Code of Alabama 1975.

Total Alabama Judicial Building Authority.....	<u>1,340,247</u>	<u>1,340,247</u>
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4. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program....		121,605
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>121,605</u>	
Total Judicial Inquiry Commission.....	<u>121,605</u>	<u>121,605</u>

5. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program.....		1,525,500
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>1,525,500</u>	
Total Judicial Retirement Fund.....	<u>1,525,500</u>	<u>1,525,500</u>

6. SUPREME COURT:

(a) Court Operations Program.....		4,542,560
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SOURCE OF FUNDS:

(1) State General Fund.....	4,542,560	
Total Supreme Court.....	4,542,560	4,542,560

7 . S U P R E M E C O U R T
MARSHAL/LIBRARY:

(a) Court Operations - Library Service Program.....		959,257
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SOURCE OF FUNDS:

(1) State General Fund.....	919,757		
(2) Departmental Receipts.....		39,500	
Total Supreme Court Marshal/Library...	919,757	39,500	959,257

8. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program.....		69,160,927
(b) Administrative Services Program....		3,770,403
(c) DUI Referral Program.....		69,895
(d) Fringe Benefit Program, Estimated		380,000
(e) Court Equipment and Court Security Program.....		1,064,000
(f) Judicial Building Operations Program.....		1,340,247

SOURCE OF FUNDS:

(1) State General Fund.....	70,349,435
(2) State General Fund-Act 91-640.....	602,550
(3) State General Fund-Act 90-539.....	200,850
(4) State General Fund-Act 91-558.....	164,410

(5) State General Fund-Act 89-955.....	200,850		
(6) State General Fund-Judicial Building-Act 86-420.....	1,340,247		
(7) State General Fund-Act 91-471.....	295,077		
(8) State General Fund-Social Security-County Judicial, Estimated	380,000		
(9) State General Fund Transfer-Juvenile Justice Coordinating Council.....	19,000		
In accordance with Section 12-15-131, Code of Alabama 1975.			
(10) Court Referral Officer Fund.....		2,213,907	
(11) Juvenile Justice Fund-Balance Brought Forward.....		19,146	
Total Unified Judicial System.....	<u>73,552,419</u>	<u>2,233,053</u>	<u>75,785,472</u>

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program.....	2,444
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SOURCE OF FUNDS:

(1) State General Fund.....	2,444	
As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.		
Total Alabama Academy of Honor.....	<u>2,444</u>	<u>2,444</u>

2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program	500,145
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund.....	500,145	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy.....	500,145	500,145
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program.....	475,357	
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SOURCE OF FUNDS:

(1) State General Fund.....	12,000	
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For the State General Fund contribution to the total expenditure of \$1,000,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated.....	460,000	
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For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

(3) State General Fund - Administrative Costs.....	3,357	
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Total Board of Adjustment.....	475,357	475,357
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4. AERONAUTICS, DEPARTMENT
OF:

(a) Airport Development and Aeronautical Support Program.....	894,138
(b) Civil Air Patrol.....	47,500

SOURCE OF FUNDS:

(1) State General Fund.....	47,500		
(2) Airport Development Fund-Aviation Fuel Tax.....		874,638	
As provided by Section 4-2-42, Code of Alabama 1975.			
(3) Airport Development Fund-Federal Funds.....		19,500	
Total Department of Aeronautics.....	47,500	894,138	941,638

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program.....	17,091,341
(b) Economic Assistance Program.....	13,068,161

Of the above appropriation, the sum of \$23,750 shall be allocated for programs for the elderly in the City of Kinston.

SOURCE OF FUNDS:

(1) State General Fund.....	1,724,691		
(2) State General Fund-Medicaid Waiver.....	2,685,742		
(3) Federal and Local Funds.....		25,749,069	
Total Commission on Aging.....	4,410,433	25,749,069	30,159,502

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area

Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program - Home - and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program.....	2,146,140
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,971,140	
(2) Interest Income.....		175,000

As provided in Section 9-8A-4.1 Code of Alabama 1975.

Total Agricultural and Conservation Development Commission.....	1,971,140	175,000	2,146,140
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7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program.....	45,804
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SOURCE OF FUNDS:

(1) State General Fund.....	45,804	
Total Alabama Agricultural and Industrial Exhibit Commission.....	45,804	45,804

8. AGRICULTURAL CENTER
BOARD:

(a) Agricultural Development Services Program.....	1,094,180
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SOURCE OF FUNDS:

(1) State General Fund.....	163,308
-----------------------------	---------

For expense and awarding of prizes
for fairs as provided in Section
2-7-21, Code of Alabama 1975 and
other livestock shows and exhibits
and other activities.

(2) State General Fund-Operations.....	331,431	
(3) State General Fund-Livestock Coliseum.....	214,441	
(4) Livestock Coliseum Fund.....	385,000	
Total Agricultural Center Board.....	709,180	385,000 1,094,180

9. AGRICULTURE AND INDUSTRIES,
DEPARTMENT OF:

(a) Administrative Services Program....	2,309,242
(b) Agricultural Inspection Services Program.....	10,861,654

Of the above appropriation, \$50,000
shall be transferred to the Alabama
Aquaculture Center in Gadsden,
Alabama.

(c) Laboratory Analysis and Disease Control Program.....	4,269,546
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(d) Agricultural Development Services Program.....	1,895,685
(e) Farmers' Market Promotion Program.....	100,000
(f) Capital Outlay.....	475,000

Of the above appropriation for capital outlay, the sum of \$350,000 shall be expended for a poultry diagnostic laboratory; the location and the construction plans for which shall be determined by the State Board of Agriculture and Industries and the Commissioner of Agriculture.

SOURCE OF FUNDS:

(1) State General Fund.....	8,774,322		
(2) Federal and Local Funds.....		2,338,950	
(3) Shipping Point Inspection Fund.....		3,892,000	
Pursuant to Section 2-9-20 et seq., Code of Alabama 1975.			
(4) Agricultural Fund.....		4,905,855	
Total Department of Agriculture and Industries.....	8,774,322	11,136,805	19,911,127

**10. AIRPORT AUTHORITY,
ALABAMA INTERNATIONAL:**

(a) Airport Development and Aeronautical Support Program.....	1,110,000
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SOURCE OF FUNDS:

(1) State General Fund.....	100,000		
(2) Federal Funds.....		1,010,000	
Total Alabama International Airport Authority.....	100,000	1,010,000	1,110,000

11. ALABAMA TRUST FUND BOARD:

(a) Administrative Program..... 32,875

SOURCE OF FUNDS:

(1) State General Fund.....	32,875	
Total Alabama Trust Fund Board.....	32,875	32,875

**12. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:**

(a) Product Management Program..... 27,535,558

(b) Enforcement Program..... 8,455,663

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1992-93 shall not be reduced below the level of services provided in this program in fiscal year 1991-92.

(c) Administrative Services Program.... 3,769,544

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$2,330,600. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund..... 39,760,765

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board.....	39,760,765	39,760,765
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13. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program		281,500
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects.....	281,500	
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects.....	281,500	281,500
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14. ARCHIVES AND HISTORY, DEPARTMENT OF:

(a) Historical Resources Management Program.....		2,922,602
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SOURCE OF FUNDS:

(1) State General Fund.....	2,797,039	
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(2) Federal and Local Funds.....	125,563	
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Total Department of Archives and History.....	2,797,039	125,563	2,922,602
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15. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program.....		11,730,292
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(b) Fair Marketing Practices Program...		616,300
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SOURCE OF FUNDS:

(1) State General Fund.....	6,482,536	
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(2) State General Fund - Drug Program.....	114,510	
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(3) State General Fund - Consumer Protection.....	566,300	
(4) Federal and Local Funds.....		1,108,246
(5) Miscellaneous Receipts.....		75,000
(6) Attorney General's Fund.....		4,000,000

Pursuant to the order approving stipulation and consent agreement issued May 29, 1991, by the United States Federal Energy Regulatory Commission in Docket Nos. RP88-6B-000, et al., Docket No. IN89-1-000 and Docket No. IN89-1-001 and the agreements and stipulations pursuant to said order.

Total Office of the Attorney General.....	7,163,346	5,183,246	12,346,592
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**16. AUCTIONEERS, ALABAMA
STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program	116,232
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SOURCE OF FUNDS:

(1) State Board of Auctioneers Fund....	116,232	
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Total Alabama State Board of Auctioneers.....	116,232	116,232
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17. AUDITOR, STATE:

(a) Fiscal Management Program.....	890,137
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SOURCE OF FUNDS:

(1) State General Fund.....	890,137	
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Total State Auditor.....	890,137	890,137
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**18. BANKING DEPARTMENT,
STATE:**

(a) Charter, License and Regulate Financial Institutions Program.....	3,663,584
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SOURCE OF FUNDS:

(1) Banking Assessment Fees.....	3,192,796
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As provided in Section 5-2A-20, Code
of Alabama 1975.

(2) Loan Examination Fund.....	470,788
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As provided in Section 5-2A-24,
Section 5-16-38.1, and Section
5-18-5, Code of Alabama 1975.

Total State Banking Department.....	3,663,584	3,663,584
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In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated \$120,000 to the State Banking Department from the Banking Assessment Fees Fund to be conditional upon the passage of either House Bill 34 or Senate Bill 17 during the 1992 Regular Session of the Alabama Legislature. Such appropriation shall be utilized to implement and administer the Alabama Pawnshop Act in FY 1992-93.

19. BAR ASSOCIATION, ALABAMA
STATE:

(a) Professional and Occupational Licensing and Regulation Program	1,997,729
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SOURCE OF FUNDS:

(1) State Bar Association Fund.....	1,398,409
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As provided in Section 34-3-4 and
Section 34-3-44, Code of Alabama
1975.

(2) Federal and Local Funds.....	599,320
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As provided in Sections 34-3-44,
34-3-17 and 34-3-18, Code of
Alabama 1975.

Total Alabama State Bar Association...	1,997,729	1,997,729
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20. BEAR CREEK DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program.....		49,959
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SOURCE OF FUNDS:

(1) State General Fund.....	49,959	
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Total Bear Creek Development Authority.....	49,959	49,959
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21. BUILDING COMMISSION, STATE:

(a) Special Services Program.....		1,414,899
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SOURCE OF FUNDS:

(1) State General Fund.....	865,896	
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(2) Federal and Local Funds.....	549,003	
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Total State Building Commission.....	865,896	549,003
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22. BUILDING RENOVATION
FINANCE AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....		8,433,393
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(b) Capital Outlay Program.....		600,000
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SOURCE OF FUNDS:

(1) Departmental Receipts, Estimated	9,033,393	
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Total Alabama Building Renovation Finance Authority.....	9,033,393	9,033,393
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**23. CAHAWBA ADVISORY
COMMITTEE:**

(a) Historical Resources Management Program.....	8,749
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SOURCE OF FUNDS:

(1) State General Fund.....	8,749	
Total Cahawba Advisory Committee....	8,749	8,749

**24. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:**

(a) Social Services Program.....	725,213
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In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	470,213	
(2) Children's Trust Fund, Estimated....	255,000	
Total Child Abuse and Neglect Prevention Board.....	470,213	725,213

**25. CHIROPRACTIC EXAMINERS,
ALABAMA STATE BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program	124,500
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiroprac- tic Examiner's Fund.....	124,500	
As provided in Section 34-24-143, Code of Alabama 1975.		
Total Chiropractic Examiners.....	124,500	124,500

**26. CHOCCOLOCCO CREEK WA-
TERSHED CONSERVANCY
DISTRICT:**

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(a) Water Resource Development Program.....	9,161
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SOURCE OF FUNDS:

(1) State General Fund.....	9,161	
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Total Choccolocco Creek Watershed Conservancy District.....	9,161	9,161
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27. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:

(a) Water Resource Development Program.....	163,450
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SOURCE OF FUNDS:

(1) State General Fund.....	163,450	
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Total Choctawhatchee-Pea Rivers Watershed Management Authority. .	163,450	163,450
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28. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program. .	1,304,175
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(b) Outdoor Recreation Sites and Services Program.....	28,770,438
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(c) Marine Police Program.....	3,490,875
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(d) Wildlife Game and Fish Program....	17,609,439
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(e) Marine Resources Program.....	2,394,200
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Of the above appropriation to the Marine Resources Program, \$100,000 shall be expended for an oyster planting program.

(f) Administrative Services Program.....	4,196,232
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(g) Capital Outlay Program.....	1,015,100
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The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Parks	522,500
(2) State General Fund- Transfer-Game and Fish Fund.....	285,003
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).	
(3) State General Fund- Transfer-Marine Resources Program.....	100,000
(4) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts.....	12,491,796
(5) Game and Fish Fund-Federal and Local Funds.....	5,847,740
(6) State Lands Fund.....	1,304,175
The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.	
(7) Marine Resources Fund-Licenses, Taxes, Fines and Other Depart- mental Receipts.....	1,394,200

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(8) Marine Resources Fund-Federal and Local Funds.....	900,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(9) Marine Police Fund-Licenses, Fines, Taxes and Other Departmental Receipts.....	2,722,462
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(10) Marine Police Fund-Federal and Local Funds.....	768,413
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(11) State Parks Fund.....	681,647
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(12) Parks Revolving Fund.....	23,566,291
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(13) State Parks Fund-Cigarette Tax....	4,000,000
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(14) Administrative Funds.....	4,196,232
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The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

Total Department of Conservation and Natural Resources.....	907,503	57,872,956	58,780,459
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In addition to the above appropriation, there is also hereby appropriated to the Lands Division of the Department of Conservation and Natural Resources the sum of \$270,000 from the State General Fund to be

conditioned upon the availability of funds in the State General Fund, a demonstrated need, the recommendation of the Finance Director and upon approval of the Governor.

29. CONTRACTORS, STATE
LICENSING BOARD FOR
GENERAL:

- | | |
|---|---------|
| (a) Professional and Occupational
Licensing and Regulation Program | 614,392 |
|---|---------|

SOURCE OF FUNDS:

- | | |
|--|---------|
| (1) State Licensing Board for General
Contractors Fund..... | 614,392 |
|--|---------|

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors.....	614,392	614,392
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30. CORRECTIONS, DEPARTMENT
OF:

- | | |
|--|-------------|
| (a) Administrative Services and
Logistical Support Program..... | 9,464,767 |
| (b) Institutional Services Corrections
Program..... | 128,473,015 |
| (c) Correctional Agricultural and
Industries Program..... | 18,048,743 |

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

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(d) Capital Outlay Program.....	671,500
(e) Sentencing Institute.....	300,000

The above appropriation shall be expended for the purposes of planning for the implementation of the Community Punishment and Corrections Act of 1991 and for related services which will provide for a reduction in the prison population.

SOURCE OF FUNDS:

(1) State General Fund.....	132,659,047
(2) Dept. of Corrections Fund.....	24,148,978

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

(3) Drug Demand Reduction Fund.....	150,000
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In accordance with Sections 13A-12-280 through 13A-12-284, Code of Alabama 1975.

Total Department of Corrections.....	<u>132,659,047</u>	<u>24,298,978</u>	<u>156,958,025</u>
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31. COSMETOLOGY, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	625,000
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund.....	625,000	
As provided in Section 34-7-42, Code of Alabama 1975.		
Total Alabama Board of Cosmetology	625,000	625,000

32. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		130,600
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund.....	130,600	
As provided in Section 34-8A-6, Code of Alabama 1975.		
Total Alabama Board of Examiners in Counseling.....	130,600	130,600

33. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program.....		626,067
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund.....	626,067	
As provided in Section 5-17-7, Code of Alabama 1975.		
Total Alabama Credit Union Administration.....	626,067	626,067

34. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated.....		1,074,000
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated.....	1,074,000		
To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.			
Total Alabama Crime Victims Compensation Commission.....	1,074,000	1,074,000	

35. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program.....		4,366,310	
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SOURCE OF FUNDS:

(1) State General Fund.....	2,872,417		
(2) Miscellaneous Receipts.....		2,000	
(3) Federal and Local Funds.....		1,491,893	
Total Alabama Criminal Justice Information Center.....	2,872,417	1,493,893	4,366,310

36. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program - Alabama Film Commission.....		278,316	
(b) Administrative Services Program....		277,893	

Of the above appropriation to the Administrative Services Program, not less than \$190,000 shall be expended by the Office of Minority Business.

(c) Industrial Development Program - Alabama Development Office.....		4,177,865	
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SOURCE OF FUNDS:

(1) State General Fund - Alabama Development Office.....	3,977,865		
(2) State General Fund - Office of Minority Business.....	190,000		
(3) State General Fund-Small Business Office of Advocacy.....	87,893		
(4) State General Fund-Alabama Film Commission.....	278,316		
(5) Departmental Receipts.....		200,000	
Total Alabama Development Office.....	4,534,074	200,000	4,734,074

37. DIETETICS/NUTRITION
PRACTICE, ALABAMA STATE
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program	60,000
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SOURCE OF FUNDS:

(1) State Board of Dietetics/Nutrition Fund.....	60,000	
Total Alabama State Board of Examiners for Dietetics/Nutrition Practice.....	60,000	60,000

38. DISTRICT ATTORNEYS:

(a) Court Operations Program.....	15,192,088
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The proposed spending plan included
in the above total is as follows:

Salaries of District
Attorneys.....3,173,464

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit.....151,669

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Salaries and expenses of
Supernumerary District
Attorneys.....1,216,107

For use in the District Attorney's Office
of the following Judicial Circuits:

1st Judicial Circuit.....146,516

2nd Judicial Circuit.....143,342

3rd Judicial Circuit.....245,157

4th Judicial Circuit.....456,182

5th Judicial Circuit.....421,705

6th Judicial Circuit.....413,078

7th Judicial Circuit.....279,565

8th Judicial Circuit.....192,572

9th Judicial Circuit.....209,144

10th Judicial Circuit.....529,772

11th Judicial Circuit.....138,714

12th Judicial Circuit.....362,033

13th Judicial Circuit.....539,006

14th Judicial Circuit.....186,482

15th Judicial Circuit.....561,698

16th Judicial Circuit.....272,480

17th Judicial Circuit.....176,545

18th Judicial Circuit.....336,500

19th Judicial Circuit.....227,208

20th Judicial Circuit.....302,395

21st Judicial Circuit.....	215,711
22nd Judicial Circuit.....	216,838
23rd Judicial Circuit.....	393,095
24th Judicial Circuit.....	185,691
25th Judicial Circuit.....	158,411
26th Judicial Circuit.....	310,237
27th Judicial Circuit.....	209,766
28th Judicial Circuit.....	275,624
29th Judicial Circuit.....	333,496
30th Judicial Circuit.....	262,728
31st Judicial Circuit.....	154,169
32nd Judicial Circuit.....	208,292
33rd Judicial Circuit.....	170,101
34th Judicial Circuit.....	118,057
35th Judicial Circuit.....	163,820
36th Judicial Circuit.....	136,296
37th Judicial Circuit.....	224,852
38th Judicial Circuit.....	202,098
39th Judicial Circuit.....	172,736
40th Judicial Circuit.....	140,638
Travel Expenses of District Attorneys.....	71,250
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975.....	186,848

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SOURCE OF FUNDS:

(1) State General Fund.....	14,991,604	
(2) State General Fund - Act 90-294....	200,484	
		<hr/>
Total District Attorneys.....	15,192,088	15,192,088

39. ECONOMIC AND COMMUNITY
AFFAIRS, ALABAMA DEPART-
MENT OF:

(a) Administrative Support Program.....	8,667,324
(b) Planning Program.....	34,543,329

Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions; \$50,000 shall be expended for the Alabama Council of Economic Education; and \$125,000 shall be expended for the Weeks Bay Estuarine Center. In addition, of the above appropriation, \$33,250 shall be expended for the Warrior Tombigbee Development Association, \$47,500 shall be expended for the Tri-Rivers Water Development Association and \$71,250 for the Coosa-Alabama River Improvement Association.

(c) Special Services Program.....	26,785,000
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Of the above appropriation, \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties; \$70,000 shall be distributed to the Family Education Involvement and Support Program at the Birmingham Board of Education; and at least \$870,000 shall be distributed to community action administering agencies based on

their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration and 10% of the allocation shall be expended for discretionary purposes by the Chief of the Community Service Division.

(d) Skills Enhancement and Employment Opportunities Program.....	70,336,586
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Of the above appropriation, \$35,000 shall be allocated to Shoals Community College for an apparel training program.

(e) Energy Management Program.....	6,810,003
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(f) Police Services Program.....	3,336,755
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(g) Law Enforcement Planning and Development Program.....	12,056,946
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(h) Surplus Property Program.....	1,611,951
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(i) Water Resources Program.....	237,500
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(j) Community Services Grant Program	1,020,000
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SOURCE OF FUNDS:

(1) State General Fund.....	9,109,803
(2) Federal and Local Funds.....	145,237,761
(3) Administrative Transfers and Other Departmental Receipts.....	9,493,379
(4) Administrative Transfers from Federal-Donated Surplus Property Sales.....	935,764
(5) Administrative Transfers from State-Owned Surplus Property Sales.....	628,687

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Total Alabama Department of Economic and Community Affairs.....	9,109,803	156,295,591	165,405,394
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There is hereby conditionally appropriated to the Alabama Department of Economic and Community Affairs the sums of \$547,722 for the Louisiana, Mississippi, Alabama Rapid Rail and \$500,000 to the Gulf Breeze/Amtrak, and of said \$500,000 to the Gulf Breeze/Amtrak, \$25,000 shall be expended to establish a Reststop/Welcome Center in Atmore, Alabama; and \$250,000 to the Birmingham Transit Authority from the State General Fund, to be conditioned only upon these entities not receiving such funding from any other available sources of funds.

40. EDUCATION, DEPARTMENT OF:

(a) Rehabilitation Services Program.....	5,429,415
--	-----------

SOURCE OF FUNDS:

(1) State General Fund-Homebound....	1,932,170		
(2) State General Fund-Eye Injury Register.....	45,804		
(3) Federal and Local Funds.....		3,451,441	
Total Department of Education.....	1,977,974	3,451,441	5,429,415

41. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	94,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees...	94,000
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As provided in Section 34-36-17, Code of Alabama 1975.

Total Board of Electrical Contractors....	94,000	94,000
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42. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program.....		3,907
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SOURCE OF FUNDS:

(1) State General Fund.....	3,907	
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Total Elk River Development Agency...	3,907	3,907
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43. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program		10,479,899
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(b) Transfer to County Emergency Management Agencies.....		350,000
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The above appropriation of \$350,000
is in addition to the regular
allocations to county emergency
management agencies.

SOURCE OF FUNDS:

(1) State General Fund.....	1,270,862	
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(2) Federal and Local Funds.....	9,559,037	
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Total Emergency Management Agency.....	1,270,862	9,559,037	10,829,899
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44. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program		24,871
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SOURCE OF FUNDS:

(1) State General Fund.....	24,871	
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Total Southern States Energy Board....	24,871	24,871
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45. ENGINEERS AND LAND
SURVEYORS, STATE BOARD OF
REGISTRATION FOR
PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program	560,818
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SOURCE OF FUNDS:

(1) Professional Engineers Fund.....	560,818
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As provided in Section 34-11-36, Code
of Alabama 1975.

Total State Board of Registration for Professional Engineers and Land Surveyors.....	560,818	560,818
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46. ENVIRONMENTAL
MANAGEMENT, DEPARTMENT
OF:

(a) Environmental Management Program.....	59,091,850
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(b) Capital Outlay Program.....	500,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	5,134,246
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(2) State General Fund-Capital Outlay	500,000
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(3) State General Fund-Transfer to Water Pollution Control Authority.....	1,045,000
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(4) State General Fund-Transfer to Hazardous Substance Cleanup Fund.....	47,500
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(5) Environmental Management Fines and Fees.....	10,001,608
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As provided in Section 22-22A-11
Code of Alabama 1975.

(6) Federal and Local Funds.....	11,863,496
----------------------------------	------------

(7) Federal Match-Water Pollution Control Authority.....	26,600,000
---	------------

(8) Transfer from Underground Stor- age Tank Trust Fund.....	400,000
---	---------

As provided in Section 22-35-9, Code
of Alabama 1975.

(9) Underground Storage Trust Fund Fees.....	4,000,000
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As provided in Section 22-35-5, Code
of Alabama 1975.

Total Department of Environmental Management.....	6,726,746	52,865,104	59,591,850
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47. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program.....	409,968
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SOURCE OF FUNDS:

(1) State General Fund.....	409,968
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Total Alabama Ethics Commission.....	409,968	409,968
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48. FARMERS' MARKET AUTHORITY:

(a) Agricultural Development Services Program.....	583,522
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(b) Capital Outlay Program.....	194,448
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SOURCE OF FUNDS:

(1) State General Fund.....	393,031
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(2) State General Fund-Capital Outlay	194,448
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(3) Farmers' Market Auth Fund.....	190,491
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Total Farmers' Market Authority.....	587,479	190,491	777,970
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49. FINANCE, DEPARTMENT OF:

(a) Fiscal Management Program.....			4,679,945
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(b) Administrative Support Services Program.....			4,170,249
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SOURCE OF FUNDS:

(1) State General Fund.....	8,605,994		
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(2) Miscellaneous Funds.....		244,200	
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Total Department of Finance.....	8,605,994	244,200	8,850,194
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**50. FINANCE, DEPARTMENT OF -
AIR TRANSPORTATION:**

(a) Administrative Support Services Program.....			1,856,729
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,146,774		
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(2) Departmental Receipts, Estimated		709,955	
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Total Department of Finance-Air Transportation.....	1,146,774	709,955	1,856,729
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**51. FINANCE, DEPARTMENT OF -
CAPITOL COMPLEX MAINTENANCE AND REPAIR:**

(a) Administrative Support Services Program.....			8,797,163
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SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund....		8,797,163	
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Total Department of Finance - Capitol Complex Maintenance and Repair...		8,797,163	8,797,163
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**52. FINANCE, DEPARTMENT OF -
MAIL AND SUPPLY:**

(a) Administrative Support Services Program.....	6,878,486
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund.....	6,878,486	
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Total Department of Finance - Mail and Supply.....	6,878,486	6,878,486
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**53. FINANCE, DEPARTMENT OF -
DATA CENTER REVOLVING
FUND:**

(a) Administrative Support Services Program.....	25,433,211
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SOURCE OF FUNDS:

(1) Data Center Revolving Fund.....	25,433,211	
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Total Department of Finance - Data Center Revolving Fund.....	25,433,211	25,433,211
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It is the intent of the Legislature that the Data Systems Management Division-Department of Finance shall absorb \$180,000 in increased computer time usage for the State Personnel Department and shall continue to loan five (5) clerical employees to the State Personnel Department resulting from the implementation of Government Human Resources System (GHRIS) for the fiscal year beginning October 1, 1992.

**54. FINANCE, DEPARTMENT OF -
MOTOR POOL:**

(a) Administrative Support Services Program.....	2,207,118
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund.....	<u>2,207,118</u>	
Total Department of Finance - Motor Pool.....	<u>2,207,118</u>	<u>2,207,118</u>

55. FINANCE, DEPARTMENT OF -
PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program.....		6,884,118
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund.....	<u>6,884,118</u>	
Total Department of Finance - Printing and Publications.....	<u>6,884,118</u>	<u>6,884,118</u>

56. FINANCE, DEPARTMENT OF -
RISK MANAGEMENT:

(a) Administrative Support Services Program.....		1,959,351
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SOURCE OF FUNDS:

(1) State Insurance Fund - Administration.....	1,246,885	
As provided in Sections 41-15-1, et seq., Code of Alabama 1975.		
(2) General Liability Trust Administrative Fund.....	712,466	
As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.		
Total Department of Finance - Risk Management.....	<u>1,959,351</u>	<u>1,959,351</u>

57. FINANCE, DEPARTMENT OF -
TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program.....		11,909,912
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	1,659,946		
(2) Telephone Revolving Fund, Estimated.....		10,249,966	
Total Department of Finance - Telephone Revolving Fund.....	1,659,946	10,249,966	11,909,912

58. FOREIGN TRADE RELATIONS
COMMISSION:

(a) Special Services Program.....			95,108
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SOURCE OF FUNDS:

(1) State General Fund.....	95,108		
Total Foreign Trade Relations Commission.....	95,108		95,108

59. FORENSIC SCIENCES, DEPART-
MENT OF:

(a) Forensic Science Services Program.....			7,268,536
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SOURCE OF FUNDS:

(1) State General Fund.....	6,502,152		
(2) Federal and Local Funds.....		766,384	
Total Department of Forensic Sciences	6,502,152	766,384	7,268,536

60. FORESTERS, ALABAMA STATE
BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program			45,000
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SOURCE OF FUNDS:

(1) Professional Foresters Fund.....		45,000	
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As provided in Section 34-12-36, Code
of Alabama 1975.

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Total Alabama State Board of Registration for Foresters.....	45,000	45,000
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61. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program.....		23,433,484
(b) People Against A Littered State.....		105,000
(c) Birmingham Metro Forestry Unit.....		100,000
(d) Capital Outlay.....		200,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	13,035,492		
(2) Federal and Local Funds.....		4,164,242	
(3) Forestry Commission Fund.....		6,638,750	
Total Alabama Forestry Commission....	13,035,492	10,802,992	23,838,484

Of the above appropriation to the Alabama Forestry Commission, \$2,444,114 shall be used for rural and community fire protection; \$458,043, shall be used for forestry research, marketing, management and environmental improvement grants; and \$35,000 shall be expended for the purchase of fire control equipment.

62. FUNERAL SERVICE, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		154,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund.....	154,000	
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service.....	154,000	154,000
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63. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program.....	3,255,210
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SOURCE OF FUNDS:

(1) State General Fund.....	2,347,225	
(2) Federal and Local Funds.....	907,985	
Total Geological Survey.....	2,347,225	907,985 3,255,210

64. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program.....	4,581
--	-------

SOURCE OF FUNDS:

(1) State General Fund.....	4,581	
As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.		
Total Gorgas Memorial Board.....	4,581	4,581

65. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program.....	142,500
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SOURCE OF FUNDS:

(1) State General Fund.....	142,500	
Total Governor's Contingency Fund.....	142,500	142,500

66. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program.....	8,312
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SOURCE OF FUNDS:

(1) State General Fund.....	8,312	
Total Governor's Mansion Advisory Board.....	8,312	8,312

67. GOVERNOR'S MANSION:

(a) Executive Direction Program.....	205,238
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SOURCE OF FUNDS:

(1) State General Fund.....	205,238	
Total Governor's Mansion.....	205,238	205,238

68. GOVERNOR'S OFFICE:

(a) Executive Direction Program.....	2,147,922
--------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund.....	2,147,922	
Total Governor's Office.....	2,147,922	2,147,922

69. GOVERNOR'S OFFICE ON
VOLUNTEERISM:

(a) Executive Direction Program.....	80,531
--------------------------------------	--------

SOURCE OF FUNDS:

(1) State General Fund.....	80,531	
Total Governor's Office on Volunteerism.....	80,531	80,531

70. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Services Program	115,611,139
(b) Health Support Services Program...	121,122,975

Of the amount appropriated to support local health department services, \$5,000,000 shall be used to provide a minimum staff in each of the 67 counties and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program.... 14,535,919

SOURCE OF FUNDS:

(1) State General Fund..... 31,092,089

(2) Cigarette Tax-\$0.01 and \$0.02..... 2,258,715

As provided in Section 40-25-2 and Section 40-25-23, Code of Alabama 1975.

(3) Vital Statistics Fund..... 2,600,000

(4) Hospital Licensing Fund..... 429,326

(5) Emergency Medical Services Fund 100,000

As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments..... 87,368,509

(7) Nuclear Monitoring Fund..... 172,770

(8) Radiation Safety Fund..... 1,080,680

(9) Miscellaneous Funds..... 13,830,457

(10) Federal Funds..... 31,711,909

(11) WIC Funds..... 80,625,578

Total Department of Public Health..... 31,092,089 220,177,944 251,270,033

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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.

**71. HEALTH PLANNING AGENCY,
STATE:**

(a) Health Planning Development and Regulation Program.....	1,016,803
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SOURCE OF FUNDS:

(1) State General Fund.....	316,803		
(2) Certificate of Need Fees.....		500,000	
(3) Departmental Receipts.....		50,000	
(4) Federal Funds.....		150,000	
Total State Health Planning Agency.....	316,803	700,000	1,016,803

**72. HEARING AID DEALERS,
ALABAMA BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program	57,241
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SOURCE OF FUNDS:

(1) State Board of Health - Hearing Aid Fund.....	57,241
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As provided in Section 34-14-33, Code of Alabama 1975.

Total Alabama Board of Hearing Aid Dealers.....	57,241	57,241
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73. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		255,000
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund.....	255,000	
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As provided in Sections 34-31-1 through 34-31-34, Code of Alabama 1975.

Total Board of Heating and Air Conditioning Contractors.....	255,000	255,000
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74. HERITAGE TRUST FUND, ALABAMA:

(a) Fiscal Management Program.....		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income.....	20,000	
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Total Alabama Heritage Trust Fund.....	20,000	20,000
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75. HIGHWAY DEPARTMENT:

(a) Central Administration Program.....		18,682,489
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(b) Division and District Supervision Program.....		25,809,696
--	--	------------

(c) Operations and Support Services Program.....		10,471,277
--	--	------------

(d) Maintenance Program.....		152,306,046
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(e) Non-Programmatic Programs.....		21,372,884
------------------------------------	--	------------

Proposed spending plan for the above (e) includes the following:

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Debt Service.....	16,515,657	
Equipment - Other than Auto- motive.....	4,857,227	
(f) Construction-Federal Aid Program...		480,071,167
Proposed spending plan for the above (f) includes the following:		
Federal Aid Matching.....	121,935,011	
Non-Participating Work on Federal Projects.....	1,000,000	
Federal Aid.....	357,136,156	
(g) Construction-State Program.....		25,446,000
(h) Operations-Land and Buildings Program.....		3,183,161
(i) Captive County Health Insurance Program.....		168,480
(j) Transfer to Department of Public Safety.....		4,400,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	205,000	
(2) Public Road and Bridge Fund.....		380,170,044
(3) Public Road and Bridge Fund-Transfer to Department of Public Safety.....		4,400,000
(4) Federal Aid.....		357,136,156

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway

Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$16,515,657 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the State Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department: (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year

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for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	<u>205,000</u>	<u>741,706,200</u>	<u>741,911,200</u>
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**76. HISTORIC BLAKELEY
AUTHORITY:**

(a) Historical Resources Management Program.....			288,704
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>288,704</u>		
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Total Historic Blakeley Authority.....	<u>288,704</u>		<u>288,704</u>
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**77. HISTORIC CHATTAHOOCHEE
COMMISSION:**

(a) Historical Resources Management Program.....			130,084
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SOURCE OF FUNDS:

(1) State General Fund.....	<u>130,084</u>		
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Total Historic Chattahoochee Commission.....	<u>130,084</u>		<u>130,084</u>
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**78. HISTORICAL COMMISSION,
ALABAMA:**

(a) Historical Resources Management Program.....			3,668,136
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(b) Capital Outlay Program.....			45,804
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SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 1,501,412

The above appropriation shall be
distributed as follows:

Historical Commission,
Alabama.....834,401

Historical Commission, Alabama - La
Grange.....7,121

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Magnolia Grove.....34,811

Historical Commission, Alabama-Fort
Morgan.....165,811

Historical Commission, Alabama-Fort
Morgan-Capital Outlay.....45,804

Historical Commission, Alabama-Fort
Toulouse.....101,038

Historical Commission, Alabama-John
T. Morgan House, Selma.....10,498

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Cahaba.....137,413

The administrative fee charged by the
Alabama Historical Commission to
the Cahaba Account shall not
exceed 3% of the above amount.

H i s t o r i c a l C o m m i s s i o n ,
Alabama-Gaineswood.....68,015

Historical Commission, Alabama-St.
Stephens.....10,000

Mainstreet.....50,000

Helen Keller Birthplace.....25,000

Pharmaceutical Museum.....11,500

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(2) Soldiers Fund..... 188,705

As provided in Section 40-8-3, Code of
Alabama 1975.

(3) Alabama State Historical
Preservation Fund-Departmental
Receipts..... 1,423,823

(4) Federal and Local Funds..... 600,000

Total Alabama Historical Commission. .	1,501,412	2,212,528	3,713,940
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In addition to the above appropriation,
there is hereby appropriated the
sum of \$1,700,000 to the Alabama
Historical Commission from any
sources which may be available to
the Commission for the restoration
of the State Capitol.

79.HUMAN RESOURCES, DEPART-
MENT OF:

(a) Human Services Program..... 428,200,782

It is the intent of the Legislature that
allotments be made to the County
Departments of Human Resources
in the amount of \$165,500 to fund,
upon approval of the county
department director, supplemental
client services not otherwise
provided for through existing
programs of the Department of
Human Resources. Allotments to
the county departments based on
the counties' populations according
to the 1980 census are as follows:
county populations greater than
50,000, \$3,500; county populations
less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer..... 42,795,768

(2) Federal and Local Funds..... 288,308,744

(3) ABC Profits.....	1,100,000
(4) Whiskey Tax.....	20,600,000
(5) Beer Tax.....	8,700,000
(6) Pension Residue.....	16,400,000
(7) Sales Tax.....	1,322,000
(8) Franchise Tax.....	16,990,000
(9) Child Support Collections.....	4,800,000
(10) Sales Tax for Food Stamps, Estimated.....	21,184,270
In accordance with Section 40-23-35, Code of Alabama 1975.	
(11) Cigarette Tax.....	3,900,000
(12) Contractor's Gross Receipts Tax. .	2,100,000

Total Department of Human Resources.....	<u>42,795,768</u>	<u>385,405,014</u>	<u>428,200,782</u>
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Of the above State General Fund appropriation to the Department of Human Resources, at least \$208,375 shall be used to increase foster care payments by 3.2% in fiscal year 1993. Such increase will be made in fiscal year 1993 to allow for the second year implementation of a multi-year phase-in designed to bring Alabama to the Southeastern payment average in the foster care program and at least \$3,889,510 shall be used to increase total benefit payments of Aid to Families with Dependent Children (AFDC) by 10.4% in fiscal year 1993 to allow for the second year implementation of a four-year phase-in designed to bring Alabama to the Southeastern payment average in the AFDC

program. In addition, \$3,197,883 shall be utilized to comply with the requirements of the R.C. vs Cleveland Consent Decree. In the event that the Department of Human Resources receives from an agency of the federal government any unrestricted "bonus" monies, it is the intent of the Legislature that the full amount of such funds be used to further increase the total benefit payments of AFDC in fiscal year 1993.

**80. INDIAN AFFAIRS COMMISSION,
ALABAMA:**

(a) Social Services Program.....	191,265
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	191,265	
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Total Alabama Indian Affairs Commission.....	191,265	191,265
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**81. INDUSTRIAL DEVELOPMENT
AUTHORITY, STATE:**

(a) Industrial Development Program.....	100,000
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund.....	100,000	
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Total State Industrial Development Authority.....	100,000	100,000
<hr/>		

**82. INDUSTRIAL RELATIONS,
DEPARTMENT OF:**

(a) Employment Security Program.....	41,636,395
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(b) Industrial Safety and Accident Prevention Program.....	7,706,147
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Of the above appropriation, at least
\$126,350 shall be expended for the
enforcement of child labor laws and
\$90,000 shall be distributed to the
Mine Academy at Walker State
Technical College.

(c) Administrative Services Program....	11,750,607
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(d) Workmen's Compensation Program.....	607,401
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SOURCE OF FUNDS:

(1) State General Fund.....	1,293,058		
(2) Federal and Local Funds.....		60,407,492	
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Total Department of Industrial Relations.....	1,293,058	60,407,492	61,700,550

83. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program.....	4,039,201
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SOURCE OF FUNDS:

(1) State General Fund.....	2,215,838	
(2) Fire Marshal's Fund.....		180,628

As provided in Sections 34-33-11 and
8-17-211, Code of Alabama 1975.

(3) Examination Revolving Fund.....		1,642,735	
<hr/>			
Total Department of Insurance.....	2,215,838	1,823,363	4,039,201

84. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program.....	1,251,165
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund.....	1,251,165		
Total State Employees' Insurance Board.....	1,251,165	1,251,165	

85. INTERIOR DESIGNERS,
ALABAMA STATE BOARD OF
REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program	11,100
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SOURCE OF FUNDS:

(1) Interior Designer Fund.....	11,100		
As provided in Section 34-15A-7, Code of Alabama 1975.			
Total Alabama State Board of Registration for Interior Designers.....	11,100	11,100	

86. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program.....	411,185
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SOURCE OF FUNDS:

(1) State General Fund.....	325,205		
(2) Federal and Local Funds.....	85,980		
Total Department of Labor.....	325,205	85,980	411,185

87. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program	33,175
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SOURCE OF FUNDS:

(1) Landscape Architect's Fund.....	33,175
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As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Landscape Architects.....	33,175	33,175
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**88. LIEUTENANT GOVERNOR,
OFFICE OF THE:**

(a) Legislative Operations and Support Program.....	590,074
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SOURCE OF FUNDS:

(1) State General Fund.....	590,074
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Total Office of the Lieutenant Governor.....	590,074	590,074
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**89. LIQUEFIED PETROLEUM GAS
BOARD:**

(a) Regulatory Services Program.....	423,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund.....	423,000
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Total Liquefied Petroleum Gas Bd.....	423,000	423,000
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**90. MANUFACTURED HOUSING
COMMISSION, ALABAMA:**

(a) Regulatory Services Program.....	1,070,990
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund.....	1,030,990
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As provided in Section 24-6-4, Code of
Alabama 1975.

(2) Transfer from Manufactured Home Title Fee Receipts Levied in Section 3-8-6, Code of Alabama 1975.....	40,000
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Total Alabama Manufactured Housing Commission.....	1,070,990	1,070,990
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91. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program.....	1,588,155,720
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The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Administration guidelines) for services provided.

SOURCE OF FUNDS:

(1) State General Fund.....	133,297,073		
(2) Transfer from Department of Human Resources.....	14,451,674		
(3) Transfer from Mental Health.....	43,794,039		
(4) Transfer from Commission on Aging.....	3,205,451		
(5) Transfer from Department of Public Health.....	10,041,352		
(6) Transfer from Department of Youth Services.....	16,660		
(7) Indigent Care Trust Fund.....	48,000,000		
(8) Departmental Receipts.....	3,720,000		
(9) Federal and Local Funds.....	1,133,999,474		
(10) Unencumbered Balance Brought Forward.....	14,506,997		
(11) Alabama Health Care Trust Fund	183,123,000		
Total Alabama Medicaid Agency.....	133,297,073	1,454,858,647	1,588,055,720

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid.

**92. MEN'S HALL OF FAME,
ALABAMA:**

(a) Historical Resources Management Program.....	4,581
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SOURCE OF FUNDS:

(1) State General Fund.....	4,581	
Total Alabama Men's Hall of Fame.....	4,581	4,581

**93. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:**

(a) Institutional Treatment and Care-Mental Illness Program.....	112,486,220
(b) Institutional Treatment and Care-Mental Retardation Program...	76,405,759
(c) Administrative Services Program....	12,816,216
(d) Community Services Program.....	105,994,387
(1) Mental Illness Services..	52,514,675
(2) S u b s t a n c e A b u s e Services.....	18,413,840

Of the above appropriations for Mental Illness Services and Substance Abuse Services, \$48,217,175 and \$17,663,840 respectively shall be allocated by the DMH/MR to Regional Community Mental Health Boards established under Section

22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided according by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19). Such allocations to community boards shall recognize community needs and DMH/MR obligations with respect to the Wyatt Consent Decree, Federal Block Grant allocation rules, and operational funding of facilities constructed with bond issue proceeds.

It is the intent of the Legislature that the Department of Mental Health and Mental Retardation allocate at least \$254,711 to the Pearson Recovery Center.

(3) M e n t a l R e t a r d a t i o n
Services.....35,065,872

SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	69,894,050
(2) Special Mental Health Trust Fund...	102,000,000

For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits.....	1,000,000		
(4) Cigarette Tax.....	3,500,000		
(5) Departmental Receipts.....	2,000,000		
(6) Federal and Local Funds.....	129,308,532		
Total Department of Mental Health and Mental Retardation.....	69,894,050	237,808,532	307,702,582

94. MILITARY DEPARTMENT:

(a) Military Operations Program.....	5,919,544
(b) Capital Outlay Program.....	100,000

SOURCE OF FUNDS:

(1) State General Fund-Operations.....	1,800,000	
(2) State General Fund-Quarterly Allowances Headquarters.....	1,500,000	
(3) State General Fund-Capital Outlay for Architect and Engineering Services, Specifications, Repair and Construction of Facilities.....	100,000	
(4) State General Fund-Active Military Service.....	30,000	
(5) State General Fund-Transfer to Armory Commission.....	2,582,044	
(6) State General Fund-Dropping Allowance.....	4,000	
(7) State General Fund-State Defense Force.....	3,500	
Total Military Department.....	6,019,544	6,019,544

**95. MILITARY DEPARTMENT -
ARMORY COMMISSION OF
ALABAMA:**

(a) Military Operations Program.....	6,989,492
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SOURCE OF FUNDS:

(1) Transfer from Military Department...	2,582,044
(2) Federal and Local Funds.....	4,181,938
(3) Military Department Billeting Revolving Fund, Estimated.....	146,618
(4) Departmental Receipts.....	78,892

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	6,989,492	6,989,492
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96. MOTOR SPORTS HALL OF FAME:

(a) Historical Resources Management Program.....	171,879
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SOURCE OF FUNDS:

(1) State General Fund.....	171,879	
Total Motor Sports Hall of Fame.....	171,879	171,879

97. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program.....	245,000
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SOURCE OF FUNDS:

(1) State General Fund.....	245,000	
Total Alabama Music Hall of Fame.....	245,000	245,000

98. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program		1,788,528
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund.....	1,788,528	
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As provided in Sections 34-21-1
through 34-21-43, Code of
Alabama 1975.

Total Alabama Board of Nursing.....	1,788,528	1,788,528
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99. NURSING HOME
ADMINISTRATORS, BOARD OF
EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		77,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund.....	77,000	
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As provided in Section 34-20-7, Code
of Alabama 1975.

Total Board of Examiners of Nursing Home Administrators.....	77,000	77,000
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100. OCCUPATIONAL THERAPY,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		35,500
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SOURCE OF FUNDS:

(1) Board of Occupational Therapy Fund.....	35,500		
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As provided in Section 34-39-6, Code of Alabama 1975.

Total Alabama State Board of Occupational Therapy.....	35,500	35,500	
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101. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program.....		2,446,273	
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SOURCE OF FUNDS:

(1) State General Fund.....	2,318,773		
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(2) Oil and Gas Board Special Fund.....	89,000		
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(3) Surety Bond Deposits, Estimated....	18,500		
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In accordance with Section 9-17-6, Code of Alabama 1975.

(4) Coalbed Surety Collateral.....	20,000		
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Total Oil and Gas Board.....	2,318,773	127,500	2,446,273
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102. PARDONS AND PAROLES, BOARD OF:

(a) Administration of Pardons and Paroles Program.....		15,128,920	
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SOURCE OF FUNDS:

(1) State General Fund.....	11,799,708		
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(2) Probationers Upkeep Fund.....	3,329,212		
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In accordance with Section 15-22-2, Code of Alabama 1975.

Total Board of Pardons and Paroles....	11,799,708	3,329,212	15,128,920
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103. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program..... 390,731

SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit
Fund..... 390,731As provided in Section 36-21-66, Code
of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund.....	390,731	390,731
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104. PERSONNEL DEPARTMENT,
STATE:(a) Administrative Support Services
Program..... 3,757,727

SOURCE OF FUNDS:

Transfers to the State Personnel
Department shall be as follows:

(1) Board of Public Accountancy.....	508
(2) Department of Aeronautics.....	712
(3) Commission on Aging.....	1,830
(4) Department of Agriculture and Industries.....	47,133
(5) Agricultural and Conservation Development Commission.....	102
(6) Agricultural Center Board.....	2,542
(7) Alcoholic Beverage Control Board. .	86,689
(8) Board of Registration for Architects	254
(9) Archives and History.....	7,169
(10) State Council on the Arts.....	1,373

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(11) Attorney General's Office.....	15,202
(12) Board of Auctioneers.....	51
(13) State Auditor.....	1,474
(14) State Banking Department.....	5,389
(15) Building Commission.....	2,288
(16) Alabama Building Renovation Finance Authority.....	6,406
(17) Child Abuse and Neglect Prevention Board.....	407
(18) Chiropractic Examiners.....	102
(19) Department of Conservation and Natural Resources.....	174,802
(20) State Licensing Board for General Contractors.....	508
(21) Department of Corrections.....	356,776
(22) Board of Cosmetology.....	1,525
(23) Credit Union Administration.....	559
(24) Alabama Crime Victims Compen- sation Commission.....	1,169
(25) Criminal Justice Information Center.....	6,000
(26) Alabama Development Office.....	4,576
(27) Board of Dietetics and Nutrition.....	51
(28) State Docks.....	36,150
(29) Department of Economic and Community Affairs.....	34,777
(30) Department of Education.....	146,177
(31) Electrical Contractors Board.....	51

(32) Emergency Management Agency	4,932
(33) Local Emergency Management.....	3,498
(34) Employees' Insurance Board.....	1,017
(35) Board of Registration for Professional Engineers and Land Surveyors.....	559
(36) Department of Environmental Management.....	37,472
(37) Ethics Commission.....	814
(38) Examiners of Public Accounts.....	26,134
(39) Farmers' Market Authority.....	254
(40) Finance Department.....	61,928
(41) Foreign Trade Relations Commission.....	153
(42) Department of Forensic Sciences	15,202
(43) Forestry Commission.....	60,911
(44) Funeral Services Board.....	153
(45) Governor's Office.....	4,525
(46) Department of Public Health.....	448,649
(47) State Health Planning Agency.....	1,576
(48) Board of Heating and Air Condi- tioning Contractors.....	508
(49) Highway Department.....	433,853
(50) Alabama Historical Commission....	7,271
(51) Department of Human Resources	457,750
(52) Alabama Indian Affairs Commission.....	356

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(53) Department of Industrial Relations	187,310
(54) Insurance Department.....	6,864
(55) Judicial Inquiry Commission.....	153
(56) Department of Labor.....	610
(57) Legislative Reference Service.....	610
(58) Liquefied Petroleum Gas Board....	864
(59) Manufactured Housing Commission.....	1,627
(60) Alabama Medicaid Agency.....	40,574
(61) Department of Mental Health and Mental Retardation.....	533,963
(62) Military Department.....	24,049
(63) Board of Nursing.....	2,288
(64) Board of Examiners of Nursing Home Administrators.....	51
(65) Board of Occupational Therapy....	51
(66) Oil and Gas Board.....	11,948
(67) Pardons and Paroles.....	36,811
(68) Peace Officers' Annuity and Benefit Fund.....	254
(69) Peace Officers' Standards and Training Commission.....	458
(70) Physical Fitness Commission.....	712
(71) Board of Physical Therapy.....	51
(72) Plumbers and Gas Fitters Examiners Board.....	1,068
(73) Public Library Service.....	6,508

(74) Department of Public Safety.....	135,601	
(75) Public Service Commission.....	14,491	
(76) Alabama Educational Television Commission.....	9,355	
(77) Real Estate Appraisers Board.....	458	
(78) Real Estate Commission.....	1,830	
(79) Retirement Systems.....	15,762	
(80) Department of Revenue.....	136,669	
(81) Secretary of State.....	5,491	
(82) Securities Commission.....	1,830	
(83) Board of Social Work Examiners...	153	
(84) Soil and Water Conservation Committee.....	356	
(85) Surface Mining Commission.....	3,508	
(86) Bureau of Tourism and Travel.....	8,033	
(87) State Treasurer.....	5,237	
(88) Department of Veterans' Affairs....	6,762	
(89) Board of Veterinary Medical Examiners.....	153	
(90) Voter Registration.....	102	
(91) Department of Youth Services.....	44,845	
Total State Personnel Department.....	3,757,727	3,757,727

105. PHYSICAL THERAPY, BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program	97,000
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SOURCE OF FUNDS:

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(1) Physical Therapist Fund.....	97,000	
As provided in Section 34-24-195, Code of Alabama 1975.		
Total Board of Physical Therapy.....	97,000	97,000

**106. PLUMBERS AND GAS FITTERS
EXAMINING BOARD, ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program	1,000,000
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund.....	1,000,000	
As provided in Section 34-37-5, Code of Alabama 1975.		
Total Alabama Plumbers and Gas Fitters Examining Board.....	1,000,000	1,000,000

**107. POLYGRAPH EXAMINERS,
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program	15,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund.....	15,000	
As provided in Section 34-25-5, Code of Alabama 1975.		
Total Board of Polygraph Examiners....	15,000	15,000

**108. PROSECUTION SERVICES,
OFFICE OF:**

(a) Prosecution, Training, Education and Management Program.....	967,075
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SOURCE OF FUNDS:

(1) State General Fund.....	137,075		
(2) Office of Prosecution Services Fund.....		830,000	
Total Office of Prosecution Services.....	137,075	830,000	967,075

109. PSYCHOLOGY, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program			83,268
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund.....		83,268	
As provided in Section 34-26-43, Code of Alabama 1975.			
Total Alabama Board of Examiners in Psychology.....		83,268	83,268

110. PUBLIC SAFETY, DEPARTMENT OF:

(a) Police Services Program.....			24,284,298
(b) Public Safety Support Services Program.....			11,267,049
(c) Administrative Services Program....			18,527,295
(d) Capital Outlay Program.....			500,000

SOURCE OF FUNDS:

(1) State General Fund.....	46,645,574		
(2) Transfer from ABC Profits.....		2,000,000	
(3) Transfer from Public Road and Bridge Fund-Act 91-252.....		3,500,000	

Notwithstanding the provisions of Act 91-252 and Act 91-797, the above transfer from the Public Road and Bridge may be expended for the enforcement of state traffic and motor vehicle laws.

(4) Transfer from Public Road and Bridge Fund.....	900,000		
(5) Federal and Local Funds.....	1,533,068		
Total Department of Public Safety.....	<u>46,645,574</u>	<u>7,933,068</u>	<u>54,578,642</u>

111. PUBLIC SERVICE
COMMISSION:

(a) Regulatory Services Program.....	5,467,060
(b) Administrative Services Program....	3,887,596
(c) Transfer to State General Fund.....	1,300,000

SOURCE OF FUNDS:

(1) Public Service Commission Fund....	9,807,520
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The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities, radio companies and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any law to the contrary notwithstanding, the Public Service Commission shall transfer, in four equal amounts at the end of each quarter, the sum of \$1,300,000 to the State General Fund from the Public Service Commission Fund for the fiscal year beginning October 1, 1992. Any

surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund and the above transfer in subsection (c) above shall be reduced by the amount of funds in excess of \$600,000 that are actually transferred at the end of fiscal year 1992 from the PSC Fund (#326).

(2) Gas Pipeline Safety Fund.....	282,518	
(3) Departmental Receipts.....	444,618	
(4) Federal and Local Funds.....	120,000	
Total Public Service Commission.....	10,654,656	10,654,656

112. REAL ESTATE APPRAISERS BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	337,864
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SOURCE OF FUNDS:

(1) Real Estate Appraisers Board Fund	337,864	
In accordance with Section 34-27A-1 through 34-27A-29, Code of Alabama 1975.		
Total Alabama Real Estate Appraisers Board.....	337,864	337,864

113. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,897,450
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund.....	1,897,450
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission.....	1,897,450	1,897,450
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114. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program.....		67,793,189
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	250,000	
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

(2) State General Fund-Board of Equalization.....	100,028	
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(3) Transfer from the gross proceeds of Cigarette Tax Collections.....	1,227,840	
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As provided in Section 40-25-27, Code of Alabama 1975.

(4) Transfer from the gross proceeds of Financial Institution Excise Tax Collections.....	318,242	
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(5) Transfer from the proceeds of the Forest Severance Tax Collections...	117,163	
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(6) Transfer from the gross proceeds of Gasoline Tax Collections.....	5,571,525	
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(7) Transfer from the Income Tax Collections.....	18,908,759	
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(8) Transfer from the gross proceeds of Motor Fuel Tax Collections.....	1,161,234	
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(9) Transfer from the gross proceeds of Motor Vehicle License Collections.....	2,517,797
(10) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax.....	770,447
(11) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax.....	1,898,057
(12) Transfer from the gross proceeds of Sales Tax Collections.....	16,681,139
(13) Transfer from the gross proceeds of the Tobacco Tax Collections.....	50,235
(14) Transfer from the gross proceeds of Use Tax Collections.....	1,825,513
(15) Transfer from the gross proceeds of the Utility Tax Collections.....	4,053,127
(16) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags.....	2,365,083
(17) Inspection fees for restored vehicles.....	1,250,000
As provided in Section 32-8-87, Code of Alabama 1975.	
(18) Transfer from Abandoned Property Trust Fund.....	100,000
As provided in Section 35-12-39, Code of Alabama 1975.	
(19) Transfer from the gross proceeds of the Pharmaceutical Services Privilege Tax Collections.....	30,000
(20) Transfer from the gross proceeds of Nursing Facility Privilege Tax Collections.....	209,000

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(21) Transfer from the gross proceeds of the Disproportionate Share Hospital Privilege Tax Collections....	1,488,000
(22) Local Funds.....	6,900,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue.....	<u>350,028</u>	<u>67,443,161</u>	<u>67,793,189</u>
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115. SECRETARY OF STATE:

(a) Administrative Support Services Program.....	2,202,094
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SOURCE OF FUNDS:

(1) State General Fund.....	871,858		
(2) UCC and Farm Indexing Fund.....		380,010	
(3) Corporations Fund.....		<u>950,226</u>	
Total Secretary of State.....	<u>871,858</u>	<u>1,330,236</u>	<u>2,202,094</u>

116. SECURITIES COMMISSION:

(a) Regulatory Services Program.....	1,570,320
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SOURCE OF FUNDS:

(1) State General Fund.....	658,242
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(2) Sale of Checks License Fund.....	10,000		
(3) Securities Commission Fund.....	837,078		
(4) Industrial Revenue Bond Notifica- tion Fund.....	65,000		
Total Securities Commission.....	658,242	912,078	1,570,320

117. SENIOR CITIZENS HALL OF
FAME, ALABAMA:

(a) Historical Resources Management Program.....	20,777		
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To be expended in accordance with
Section 41-9-740 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	20,777		
Total Alabama Senior Citizens Hall of Fame.....	20,777		20,777

118. SOCIAL WORK EXAMINERS,
ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	96,992		
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SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund.....	96,992		
As provided in Section 34-30-6, Code of Alabama 1975.			
Total Alabama State Board of Social Work Examiners.....	96,992		96,992

119. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:

(a) Water Resource Development Program.....	1,347,649		
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Of the above appropriation to the Water Resource Development Program, \$50,000 shall be expended for watershed management to be administered by the Watershed Improvement Association and \$50,000 shall be allocated to the Sand Mountain Water Conservancy District.

(b) Professional and Occupational Licensing and Regulation Program 5,000

SOURCE OF FUNDS:

(1) State General Fund..... 1,307,649

(2) Soil Classifiers Fund..... 5,000

As provided in Section 34-32-19, Code of Alabama 1975.

(3) Transfer from Agricultural and Conservation Development Commission..... 40,000

Total State Soil and Water Conservation Committee..... 1,307,649 45,000 1,352,649

120. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:

(a) Tourism and Travel Promotion Program..... 183,217

SOURCE OF FUNDS:

(1) State General Fund..... 183,217

Total Alabama Space Science Exhibit Commission..... 183,217 183,217

121. SOUTHERN GROWTH POLICIES BOARD:

(a) Special Services Program..... 26,514

SOURCE OF FUNDS:

(1) State General Fund.....	26,514	
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Total Southern Growth Policies Board	26,514	26,514
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122. SPEECH PATHOLOGY AND
AUDIOLOGY, ALABAMA BOARD
OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program		69,700
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund.....	69,700	
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As provided in Section 34-28A-44,
Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology....	69,700	69,700
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123. SPORTS HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....		132,833
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SOURCE OF FUNDS:

(1) State General Fund.....	132,833	
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Total Alabama Sports Hall of Fame.....	132,833	132,833
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124. SURFACE MINING
COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program.....		5,294,933
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	343,532	
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(2) Surface Mining Commission-Fees. .	763,200	
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(3) Federal and Local Funds.....	1,188,200	
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(4) Bond Forfeiture/Reclamation Projects, Estimated.....	3,000,001
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As provided in Section 9-16-103, Code
of Alabama 1975.

Total Alabama Surface Mining Commission.....	343,532	4,951,401	5,294,933
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**125. TANNEHILL FURNACE AND
FOUNDRY COMMISSION:**

(a) Historical Resources Management Program.....	398,299
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(b) Brierfield Ironworks Park.....	25,072
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SOURCE OF FUNDS:

(1) State General Fund.....	423,371
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Total Tannehill Furnace and Foundry Commission.....	423,371	423,371
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**126. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:**

(a) Water Resource Development Program.....	92,524
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SOURCE OF FUNDS:

(1) State General Fund.....	92,524
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Total Tennessee-Tombigbee Water- way Development Authority.....	92,524	92,524
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**127. TENNESSEE VALLEY EXHIBIT
COMMISSION OF ALABAMA:**

(a) Promotional Development Program	305,543
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To be expended in accordance with
Sections 41-9-780 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund.....	63,023		
(2) Admissions and Concessions.....		242,520	
Total Tennessee Valley Exhibit Commission of Alabama.....	63,023	242,520	305,543

The above appropriation to the Tennessee Valley Exhibit Commission includes \$60,000 for payment of debt service on the Tennessee Valley Exhibit Commission of Alabama Project Revenue Bonds.

128. TOURISM AND TRAVEL, BU- REAU OF:

(a) Tourism and Travel Promotion Program.....	5,833,376
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Of the above appropriation to the Tourism and Travel Promotion Program, the sum of \$80,004 shall be made payable in 12 monthly installments of \$6,667 per month to the Tennessee Valley Exhibit Commission to operate a welcome center in the Renaissance Tower and the above appropriation shall include \$50,000 for the Cahaba Trace Commission; \$25,000 shall be transferred to the Tallapoosa Highland Lakes Association; and \$25,000 shall be transferred to the Mountain Lakes Tourist Association and \$15,000 shall be transferred to the Orange Beach Chamber of Commerce and \$15,000 shall be transferred to the Tennessee Tombigbee Welcome Center.

SOURCE OF FUNDS:

(1) State General Fund.....	1,302,738
(2) Lodgings Tax (\$0.01)	4,530,638

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Receipts collected under the
provisions of Section 40-26-1, et
seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel.....	1,302,738	4,530,638	5,833,376
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129. TREASURER, STATE:

(a) Fiscal Management Program.....			3,631,250
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SOURCE OF FUNDS:

(1) State General Fund.....	1,744,714		
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(2) Prepaid Affordable College Tuition Fund.....		1,886,536	
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Total State Treasurer.....	1,744,714	1,886,536	3,631,250
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130. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated.....			5,955
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SOURCE OF FUNDS:

(1) State General Fund.....	5,955		
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As provided in Section 41-9-374, Code
of Alabama 1975.

Total Alabama Commission on Uniform State Laws.....	5,955		5,955
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131. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....			5,156,228
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(b) Capital Outlay Program.....			16,642,896
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SOURCE OF FUNDS:

(1) State General Fund.....	3,420,463		
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(2) Veterans Home Trust Fund-Transfer.....		1,755,765	
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(3) Federal and Local Funds.....	16,622,896		
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Total Department of Veterans' Affairs...	3,420,463	18,378,661	21,799,124
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**132. VETERINARY MEDICAL
EXAMINERS, ALABAMA STATE
BOARD OF:**

(a) Professional and Occupational Licensing and Regulation Program			145,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund.....	145,000		
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As provided in Section 34-29-23 and
Section 34-29-41, Code of Alabama
1975.

Total Alabama State Board of Veterinary Medical Examiners.....	145,000	145,000	
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**133. VOTER REGISTRATION IDEN-
TIFICATION PROGRAM:**

(a) Special Services Program.....			392,607
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SOURCE OF FUNDS:

(1) State General Fund.....	392,607		
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Total Voter Registration Identification Program.....	392,607	392,607	
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Of the above amount, \$228,000 shall be reserved for the purchase of computers, related hardware, and equipment for the Office and the county boards of registrars to implement Act 89-649 as passed by the Legislature and found in the Code of Alabama, 17-4-210, and as mandated and approved by the United States Department of Justice. State agencies shall not charge fees to the Office of Voter Registration for services rendered which are required by 17-4-210, Code of Alabama.

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134. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Opportunities Program.....	11,451
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SOURCE OF FUNDS:

(1) State General Fund.....	11,451	
Total Alabama Women's Commission	11,451	11,451

135. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program.....	4,987
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SOURCE OF FUNDS:

(1) State General Fund.....	4,987	
Total Ala Women's Hall of Fame.....	4,987	4,987

136. YOUTH SERVICES, DEPART-
MENT OF:

(a) Youth Services Program.....	4,266,798
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The above appropriation shall be
expended in accordance with the
provisions of Sections 44-1-1
through 44-1-56, Code of Alabama
1975.

SOURCE OF FUNDS:

(1) State General Fund-Community Subsidy.....	1,234,775	
(2) State General Fund-Juvenile Probation Officers Subsidy.....	3,032,023	
Total Department of Youth Services.....	4,266,798	4,266,798

2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED FROM
THE STATE GENERAL FUND:

**1. ARREST OF ABSCONDING
FELONS:**

(a) Criminal Investigation Program, Estimated.....	61,750
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SOURCE OF FUNDS:

(1) State General Fund.....	61,750
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As provided in Section 15-9-1 and
15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons.....	61,750	61,750
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**2. ATTORNEYS' FEES FOR
REAPPORTIONMENT CASES:**

(a) Special Services Program, Estimated.....	142,500
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SOURCE OF FUNDS:

(1) State General Fund.....	142,500
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Total Attorneys' Fees for Reapportionment Cases.....	142,500	142,500
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3. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated.....	91
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SOURCE OF FUNDS:

(1) State General Fund.....	91
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As provided in Section 12-22-150 and
12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense.....	91	91
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**4. CONSUMER UTILITY RATE
HEARING:**

(a) Executive Direction Program.....	229,021
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SOURCE OF FUNDS:

(1) State General Fund..... 229,021

As provided in Section 37-1-18, Code
of Alabama 1975.

Total Consumer Utility Rate Hearing.... 229,021 229,021

5. COURT ASSESSED COSTS NOT
PROVIDED FOR:

(a) Special Services Program,
Estimated..... 1,140,000

As provided in Sections 22-52-14,
30-4-95, 26-17-17, 22-11A-1
through 22-11A-37 and 12-21-131,
Code of Alabama 1975.

(b) Legal Advice and Legal Services
Program..... 374,762

It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to
include costs of depositions,
witness fees and expenses, filing
and docket fees, court reporters,
court judgments, attorneys fees,
out-of-court settlements and other
expenses ordered by the court or
normally identified as costs of court,
when any of the above is approved
by the Attorney General.

(c) Automatic Appeal Cases Expense
Program..... 41,640

The above appropriation shall be used
to reimburse reasonable expenses
incurred by attorneys representing
defendants under sentence of
death in state collateral
proceedings, such as those under
Rule 32 of the rules of Criminal
Procedure. Provided, in no case

may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.

SOURCE OF FUNDS:

(1) State General Fund, Estimated.....	1,140,000	
(2) State General Fund.....	374,762	
(3) State General Fund - Automatic Appeal Cases.....	41,640	
Total Court Assessed Costs Not Provided For.....	1,556,402	1,556,402

6. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated.....	458
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SOURCE OF FUNDS:

(1) State General Fund.....	458	
Pursuant to Act No. 558, 1957, Page 777.		
Total Court Costs-Act No. 558, 1957....	458	458

7. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated.....	73,287
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SOURCE OF FUNDS:

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(1) State General Fund..... 73,287

As provided in Sections 36-14-1,
36-14-11 and 41-21-8, Code of
Alabama 1975.

Total Distribution of Public Documents	<u>73,287</u>	<u>73,287</u>
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8. STATE DOCKS TRANSFER: 3,500,000

SOURCE OF FUNDS:

(1) State General Fund 3,500,000

The above appropriation to the State
Docks shall be conditional upon the
availability of funds and shall
remain in the State General Fund
until a demonstrated need is
determined and recommended by
the State Finance Director and
approved by the Governor.

Total State Docks Transfer.....	<u>3,500,000</u>	<u>3,500,000</u>
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9. ELECTION EXPENSES:

(a) Special Services Program,
Estimated..... 3,272,500

(b) Training of Election Officials..... 180,750

For payment of expenses involved in
providing voter worker education
and training on a state wide basis.

SOURCE OF FUNDS:

(1) State General Fund..... 3,453,250

As provided in Section 17-4-153, Code
of Alabama 1975.

Total Election Expenses.....	<u>3,453,250</u>	<u>3,453,250</u>
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**10. EMERGENCY FUND,
DEPARTMENTAL:**

(a) Special Services Program..... 1,046,450

SOURCE OF FUNDS:

(1) State General Fund..... 1,046,450

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's contingency fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the State Finance Director shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

Total Departmental Emergency Fund...	<u>1,046,450</u>	<u>1,046,450</u>
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11. FAIR TRIAL TAX TRANSFER:(a) Court Operations Program,
Estimated..... 3,688,956**SOURCE OF FUNDS:**

(1) State General Fund-Transfer.....	<u>3,688,956</u>	
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Total Fair Trial Tax Transfer.....	<u>3,688,956</u>	<u>3,688,956</u>
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12. FEEDING OF PRISONERS:

(a) Institutional Services - Corrections
Program, Estimated..... 3,800,000

SOURCE OF FUNDS:

(1) State General Fund..... 3,800,000

For expenses of feeding prisoners in
county jails in accordance with
Section 14-6-42, Code of Alabama
1975.

Total Feeding of Prisoners.....	3,800,000	3,800,000
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13. FINANCE, DEPARTMENT OF -
CAPITOL MOVING:

(a) Special Services Program,
Estimated..... 91,608

SOURCE OF FUNDS:

(1) State General Fund..... 91,608

Total Department of Finance - Capitol Moving.....	91,608	91,608
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14. DEPARTMENT OF FINANCE -
EMPLOYEES' SUGGESTION
AWARDS PROGRAM:

(a) Fiscal Management Program..... 9,161

SOURCE OF FUNDS:

(1) State General Fund..... 9,161

In accordance with Section 36-1-7,
Code of Alabama 1975.

Total Department of Finance - Employees' Suggestion Awards Program.....	9,161	9,161
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15. FINANCE-FEMA, DEPARTMENT
OF:

(a) Readiness and Recovery Program, Estimated.....	500,000
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SOURCE OF FUNDS:

(1) State General Fund.....	500,000	
<hr/>		
Total Dept of Finance-FEMA	500,000	500,000
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The above appropriation to the Department of Finance-FEMA from the State General Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned further upon the requirement by the Federal Management Agency of the State of Alabama to pay a state match for FEMA grants.

16. FOREST FIRE FUND,
EMERGENCY:

(a) Forest Resources Protection and Development Program.....	180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer.....	180,000
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The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9-3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the State Finance Director and approved by the Governor.

Total Emergency Forest Fire Fund	180,000	180,000
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17. GOVERNOR'S CONFERENCE,
NATIONAL:

(a) Executive Direction Program,
Estimated..... 145,749

SOURCE OF FUNDS:

(1) State General Fund..... 145,749

Total National Governor's Conference 145,749 145,749

18. GOVERNOR'S PROCLAMATION
EXPENSES:

(a) Executive Direction Program,
Estimated..... 183,217

SOURCE OF FUNDS:

(1) State General Fund..... 183,217

As provided in Section 17-14-21, Code
of Alabama 1975.

Total Governor's Proclamation
Expenses..... 183,217 183,217

19. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program,
Estimated..... 18,322

SOURCE OF FUNDS:

(1) State General Fund..... 18,322

As provided in Sections 28-4-311 and
28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund..... 18,322 18,322

20. LAW ENFORCEMENT LEGAL
DEFENSE:

(a) Legal Advice and Legal Services
Program, Estimated..... 2,748

SOURCE OF FUNDS:

(1) State General Fund.....	2,748	
To carry out provisions of Section 36-21-1, Code of Alabama 1975.		
Total Law Enforcement Legal Defense	<u>2,748</u>	<u>2,748</u>

21. MILITARY - EMERGENCY
ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated.....		183,217
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SOURCE OF FUNDS:

(1) State General Fund.....	183,217	
As provided in Section 31-2-133, Code of Alabama 1975.		
Total Military - Emergency Active Duty Pay.....	<u>183,217</u>	<u>183,217</u>

22. PRESIDENTIAL ELECTORAL
EXPENSE:

(a) Special Services Program, Estimated.....		1,833
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SOURCE OF FUNDS:

(1) State General Fund.....	1,833	
As provided in Section 17-19-8, Code of Alabama 1975.		
Total Presidential Electoral Expense....	<u>1,833</u>	<u>1,833</u>

23. PRINTING OF CODE
SUPPLEMENTS - LEGISLATIVE
REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated.....		274,825
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SOURCE OF FUNDS:

(1) State General Fund..... 274,825

As provided in Section 29-7-6, Code of
Alabama 1975.

Total Printing of Code Supplements - Legislative Reference Service.....	274,825	274,825
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**24. PRINTING CODES AND
SUPPLEMENTS - SECRETARY
OF STATE:**

(a) Administrative Support Services
Program, Estimated..... 151,154

SOURCE OF FUNDS:

(1) State General Fund..... 151,154

As provided in Sections 41-21-1
through 41-21-8 and 41-4-154,
Code of Alabama 1975.

Total Printing Codes and Supplements - Secretary of State.....	151,154	151,154
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**25. PRINTING OF LEGISLATIVE
ACTS AND JOURNALS:**

(a) Administrative Support Services
Program, Estimated..... 458,042

SOURCE OF FUNDS:

(1) State General Fund..... 458,042

As provided in Sections 41-4-130
through 41-4-161, Code of
Alabama 1975.

Total Printing of Legislative Acts and Journals.....	458,042	458,042
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26. REGISTRATION OF VOTERS:

(a) Special Services Program,
Estimated..... 1,852,500

SOURCE OF FUNDS:

(1) State General Fund..... 1,852,500

In accordance with Sections 17-4-126
and 17-4-153, Code of Alabama
1975.

Total Registration of Voters.....	1,852,500	1,852,500
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27. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated.....		365,750
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SOURCE OF FUNDS:

(1) State General Fund..... 365,750

As provided in Sections 15-10-70
through 15-10-73, 15-9-62, 15-9-65
and 15-9-81, Code of Alabama
1975.

Total Removal of Prisoners.....	365,750	365,750
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28. STATE GENERAL FUND, ESTIMATED:.....		57,000,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated.....	57,000,000	
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All income other than income realized
on sale of Trust Fund assets and
not otherwise appropriated herein.

Total State General Fund, Estimated...	57,000,000	57,000,000
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2E. DEBT SERVICE FUNDED FROM
THE STATE GENERAL FUND:

1. General Obligation Capital Improve- ment Bonds, Series B, Estimated....		1,291,500
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SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,291,500

Total General Obligation Capital
Improvement Bonds, Series B,
Estimated..... 1,291,500 1,291,500

2. General Obligation Coosa Water-
way Bonds, Series B, Estimated..... 294,658

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 294,658

Total General Obligation Coosa
Waterway Bonds, Series B,
Estimated..... 294,658 294,658

3. General Obligation Docks Facilities
Bonds, Series C, Estimated..... 1,146,500

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,146,500

Total General Obligation Docks
Facilities Bonds, Series C,
Estimated..... 1,146,500 1,146,500

4. Music Hall of Fame Bonds,
Estimated..... 348,370

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 348,370

Pursuant to Constitutional Amendment
No. 489 as provided in Act 88-549,
1988 Regular Session.

Total Music Hall of Fame Bonds,
Estimated..... 348,370 348,370

5. Tennessee-Tombigbee Waterway
Bonds, Series C and D, Estimated. . 2,689,238

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 2,689,238

Pursuant to Constitutional Amendment
No. 270 as provided in Act No. 248,
1967 Regular Session.Total Tennessee-Tombigbee Water-
way Bonds, Series C and D,
Estimated.....

2,689,238

2,689,238

6. Corrections Institution Bonds,
Estimated.....

1,532,500

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,532,500

Pursuant to Constitutional Amendment
No. 374 as provided for in Act No.
134, 1978 Second Special Session.Total Corrections Institution Bonds,
Estimated.....

1,532,500

1,532,500

7. General Obligation Refunding
Bonds, 1983, Series A and B,
Estimated.....

58,149,611

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 58,149,611

Total General Obligation Refunding
Bonds, 1983, Series A and B,
Estimated.....

58,149,611

58,149,611

8. General Obligation Capital Bonds,
1990 Series, Estimated.....

1,933,350

SOURCE OF FUNDS:

(1) State General Fund, Estimated..... 1,933,350

Pursuant to Constitutional Amendment
No. 510 as provided for in Act
89-799, 1989 Regular Session.

Total General Obligation Capital

Bonds, 1990 Series, Estimated.....	1,933,350	1,933,350
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SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act.

SECTION 9. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. Each agency of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. This Act shall become effective October 1, 1992.

On page 101, line 13, after the period following the word "Act" insert a new Section 9 to read as follows and renumber succeeding sections accordingly:

Section 9. (a) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(b) On the last day of each fiscal year, each state department or agency shall file a report with the Legislature detailing purchases of new motor vehicles by the department or agency during the fiscal year including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the department or agency. With the exception of those motor vehicles assigned to and being used by the Department of Public Safety for undercover purposes, each department or agency shall also submit an inventory report of all motor vehicles that it operates

that do not have state vehicle identification license tags.

Amend H. 177 as substituted on page 80 after line 7 by inserting the following language:

"In addition to the above appropriation, there is hereby appropriated \$112,167 to the Alabama Sports Hall of Fame to be conditioned upon the availability of funds, the recommendation of the Finance Director, and the approval of the Governor."

Amend House Bill 177 as substituted on page 11, after line 17 by inserting the following:

"In addition to the above appropriation to the Commission on Aging, there is also hereby appropriated any funds accruing to the Commission as a result of the Attorney General and Morrisons Settlement, which shall be expended for nutritional services and which shall be distributed statewide to all area agencies on aging including those under councils of government on a prorata basis."

Amend House Bill 177 as substituted and amended on page 101, line 13 by deleting lines 18-31 of Parsons amendment number 1.

Amend H. 177 on page 85 after line 8 by inserting the following:

"Of the above appropriation, \$1,234,775 shall be expended for community subsidies and shall be distributed in the following manner:

1) Central Alabama	118,737
2) Coosa Valley	180,303
3) Lee County	76,933
4) Mobile County	144,151
5) Montgomery County	101,516
6) Robert Neaves (Madison County)	97,455
7) Southeast Alabama	154,386
8) Tennessee Valley	50,758
9) Tuscaloosa	87,202
10) Baldwin County	60,910
11) Jefferson County	162,424"

Amend House Bill 177 on page 35 on lines 25 & 29 by deleting the figure "500,000".

Further amend on page 36 line 17 by deleting "6,726,746" and "59,591,850" and inserting in lieu thereof the figures "6,226,746" and "59,091,850" respectively.

Further amend on page 21 line 30 by deleting "28,770,438" and inserting in lieu thereof "29,270,438".

Further amend on page 22 line 22 by deleting "522,500" and inserting in lieu thereof "1,022,500".

Further amend on page 24 line 17 by deleting "907,503" and "58,780,459" and inserting in lieu thereof "1,407,503" and "59,280,459" respectively.

Amend House Bill 177 on Page 49 Line 28, as follows:

After line 28, insert the following phrase and renumber subsequent lines.

"The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama.

Amend the bill on page 78 line 18 after the word "management" by striking the following language "to be administered by the Watershed Improvement Association"

Amend the bill on page 35 by deleting lines 25, 28, and 29 in their entirety and renumber all subsections accordingly.

Amend House Bill 177 as substituted on page 82, line 17 after the word "Center" by inserting the following: "and \$25,000 for the Childersburg Heritage Foundation".

Amend H. 177 on page 54 after line 33 by adding the following:

"In addition to the above appropriation, \$500,000 shall be appropriated for Second Injury Trust Fund to be conditioned on the availability of funds in The State General Fund, a demonstrative need, recommendation of the Finance Director and upon approval of the Governor. Said conditional appropriation shall be used only for Second Injury Trust payments to injured workers and shall not be expended for legal fees related to such claims."

SUBSTITUTE MOTION TO CONCUR TABLED

On motion of Representative Harper, the substitute motion offered by Representative Rich that the House concur in the Report of the Committee on

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Conference on the bill, H. 177, on the disagreement of the two Houses on the Senate amendment to the bill, H. 177, was tabled.

Yeas 76; Nays 4.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McDowell, McKee, McMillan, Melton, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Poole, Powell, Richardson, Rockhold, Rogers (F), Rogers (J), Smith (C), Spratt, Starkey, Thomas, Turnham, Venable, Walker, White, Williams, Willis and Zoghby.

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Nay:

Representatives Carns, Haney, Petelos and Rich.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 110. To provide for legislative security personnel and provide for their powers and duties.

MCDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 146. MOURNING THE DEATH OF JAMES EDWARD ANTHONY OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 147. COMMENDING DR. LORETTA G. BROWN ON HER RETIREMENT AS DIRECTOR OF THE GEORGE C. WALLACE SPEECH AND HEARING CENTER.

MCDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 177 RESUMED**MOTION TO NON-CONCUR AND REQUEST
COMMITTEE ON CONFERENCE BE APPOINTED ADOPTED**

The question was then on the motion offered by Representative Harper that the House non-concur in the Report of the Committee on Conference on the bill, H. 177, and request the Speaker appoint a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 177, and the motion was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell,

Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, Williams, Willis and Zoghby.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 191. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 193. To make an appropriation from the Alabama Special Educational Trust Fund to the Bevill Center for Advanced Manufacturing Technology in Gadsden, Alabama and to the Bevill Advanced Electronics Center at Sparks Technical College for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 194. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 197. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 198. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 202. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 203. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School, for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 208. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1993 and to require an audited financial statement and operations plan prior to release of any funds.

Also:

H. 209. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 211. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 204. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 207. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 292. To make an appropriation from the Alabama Special Educational Trust Fund to the Macon County Arts Manifesto for the fiscal year ending September 30, 1993 and to require an operations plan and audited financial statement prior to the release of any funds.

MCDOWELL LEE
Secretary

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 221, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

REPRESENTATIVE JAMES S. CLARK
REPRESENTATIVE JAMES M. CAMPBELL
REPRESENTATIVE TAYLOR F. HARPER

Conferees on the Part of the House

SENATOR RYAN DEGRAFFENRIED, JR.
SENATOR WALTER OWENS
SENATOR DON HALE

Conferees on the Part of the Senate

**A BILL
TO BE ENTITLED
AN ACT**

To give the Act a title; to amend Section 16-6-1, Code of Alabama 1975 to require the appointment of fifteen members to the Alabama Education Study Commission; to provide the procedure for the appointment of members to the Education Study Commission by the Governor, Lieutenant Governor, the Speaker of the House, State Board of Education, the Alabama Association of School Boards, the Alabama Education Association, and the Business Council of Alabama; to provide a system of terms for members of the Alabama Education Study Commission; to change the length of terms for members of the Alabama Education Study Commission, and to cause the terms of the current members of the commission to expire on the effective date of this Act; to provide further for a per diem for commission members; to amend Section 16-6-2, Code of Alabama 1975 to provide for a quorum for the Alabama Education Study Commission; to amend Section 16-6-5.1, Code of Alabama 1975 relating to the duties and responsibilities of the Standards on Excellence Commission, require the creation of an Education Master Plan to be approved by the State Board of Education, and to provide for a system to provide grants to individual schools for innovation and improvement of education and to provide that the commission shall develop plans for improving parental involvement in the education process of children; to amend Section 16-8-1, Code of Alabama 1975 regarding the qualifications for membership on a county board of education, to provide that a member of a county board of education have a high school education or a G.E.D. equivalency, be a qualified elector and after election successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards, and to provide that certification of the completion of the training be certified to the

State Department of Education; to amend Section 16-8-23, Code of Alabama 1975 to provide that a county superintendent of education may suspend employees of the local board of education without pay for a period not to exceed ten working days per school year and to provide for a method of providing due process to employees who are so suspended; to amend Section 16-9-1, Code of Alabama 1975; to amend Section 16-9-2, Code of Alabama 1975 regarding the qualifications of county superintendents of education; to repeal Section 16-9-12, Code of Alabama 1975; to amend Section 16-11-2, Code of Alabama 1975 regarding the qualifications for membership on a city board of education to provide that a member of a city board of education have a high school education or a G.E.D. equivalency, be a qualified elector and after appointment successfully complete state funded annual boardmanship training as provided by the Alabama Association of School Boards and to provide that certification of the completion of the training be certified to the State Department of Education, and to provide further for compensation of members of city boards of education; to amend Section 16-11-1 and Section 16-13-199, Code of Alabama 1975 to provide that a city must have population of 14,000 or more inhabitants before said city may establish a city board of education after October 1, 1993; to amend Section 16-11-3, Code of Alabama 1975 to provide that a member of the city board of education shall take the oath required by the Constitution of the State of Alabama of 1901 before assuming office; to repeal Section 16-11-17, Code of Alabama 1975; to provide for the suspension or dismissal of employees of a city board of education and to provide a due process system for employees; to amend Section 16-12-1, Code of Alabama 1975 to provide for a term of office for city superintendents of education, termination of a city superintendent and to provide further for compensation for a city superintendent; to amend Section 16-23-14, Code of Alabama 1975 to require the State Board of Education to authorize and prescribe minimum standards for each institution of higher education engaged in teacher training so as to require remediation to teacher training graduates who demonstrate a need, as reflected by performance-based evaluation, for remedial training or development in his or her first three years of employment as a teacher; to repeal Sections 16-24-1 through 16-24-38, Code of Alabama 1975; to provide for the repeal of the Fair Dismissal Act by the repeal of Sections 36-26-100 through 36-26-108, Code of Alabama 1975; to define teacher, support employee, superintendent, and employing board; to establish criteria for determining teacher tenure; to establish criteria for determining support employee tenure; to define principal, establish criteria for determining tenure of a principal, provide for tenured principals, to provide for non-tenured principals, compensation for non-tenured principals, election for tenured principals to become non-tenured principals and evaluation of principals; to provide for duties of principals; to provide that a contract of a tenured employee is effective until superseded or canceled; to provide that compensation may be changed for a succeeding year; to provide for transfer of tenured and non-tenured teachers and support employees; to provide for cancellation of a tenured employee's contract; to provide a hearing procedure for employees; to provide for appeal of an employing board's final decision only to the Court of Civil Appeals; to provide for the cancellation of a contract by an employee; to provide for the effect of leave of absence on tenure; to provide for

the abolition of boards of school trustees by the repeal of Sections 16-10-1 through 16-10-11, Code of Alabama 1975; to provide for cases involving tenure or continuing service status in process as of the effective date of this act; to validate and confirm existing city boards of education; to rename the Alabama Special Educational Trust Fund the Education Trust Fund; to repeal all conflicting laws; and to provide for an effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This Act shall be known and may be cited as "The Education Accountability Act of 1992."

Section 2. Section 16-6-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-6-1.

(a) There is hereby created the Alabama Education Study Commission, herein called the commission, which shall constitute a permanent agency of the state and shall be composed of eight fifteen members, to be appointed for a term of six years. one from each congressional district, Seven members are to be appointed by the governor, for terms of eight years. two by the lieutenant governor, two by the speaker of the house, one by the state board of education, one by the Alabama Association of School Boards, one by the Alabama Education Association, and one by the Business Council of Alabama. Of the members first appointed by the governor, two shall serve for a two year term, two shall serve for a three year term, two shall serve for a four year term, and one shall serve for a five year term. Of the members first appointed by the lieutenant governor and the speaker, one shall serve for a four year term and one shall serve for a six year term. The members appointed by the state board of education, the Alabama Association of School Boards, the Alabama Education Association, and Business Council of Alabama each shall serve a six year term. Of the members first appointed, two shall serve for two years, two shall serve for four years, two shall serve for six years and two shall serve for eight years. Vacancies shall be filled by the governor official or organization originally making the appointment for the unexpired term. The commission shall meet at times and places determined by it, and the members shall be entitled to receive \$30.00 such per diem and mileage as provided for state employees on actual meeting days.

(b) All current terms of members serving on the commission shall expire on the effective date of this Act."

Section 3. Section 16-6-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-6-2.

The commission shall elect a chairman from the persons appointed by the governor and a vice-chairman from among the other members. Five Nine members of the commission shall constitute a quorum. The commission shall act only by a vote of a majority of its existing members."

Section 4. Section 16-6-5.1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-6-5.1.

(a) The legislature does hereby designate the Alabama education study commission as a standards on excellence commission. The commission is currently responsible for examining the public elementary and secondary schools and making an annual report on the status of public education to the general public, the legislature and the governor of the state of Alabama. It is the intent of the legislature that the Alabama education study commission shall examine the required courses, testing programs for teacher candidates, promotion and retention standards, student assessment programs and the performance-based accreditation standards, as well as overall compliance under The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323), and all present and future education reform efforts and report its findings to the governor, legislature, and the state board of education and the general public. The state department of education shall consult with the commission on all plans required by the Alabama Education Improvement Act of 1991, (Acts 1991, No. 91-323,) and all present and future education reform efforts. In conjunction with the state superintendent, the commission shall develop an Education Master Plan for the State of Alabama. The Education Master Plan shall be designed for a ten year period and shall be updated annually. Once developed, the Education Master Plan shall be submitted to the state board of education for approval. The commission shall report annually on the success or accomplishment pursuant to the plan to the governor, legislature, state board of education and the general public.

(b) The commission shall develop and recommend to the legislature a system to provide grants to individual schools for innovation and improvement in education. The grant system to be developed shall include input from the state superintendent of education, the state board of education and any other persons or entities the commission desires. The grant system shall take into consideration and shall be coordinated with any private efforts establishing similar grant systems. The system to be developed for the awarding of grants shall take into consideration the financial ability of the local school system in which the school is located. The criteria developed by the commission for grant applications shall be submitted to the legislature annually. The legislature may appropriate funds to the commission for the purpose of making grants to individual public schools which meet the approved criteria. It is the intent of the legislature that grants shall be equitably distributed among schools of varying financial ability. Grant applications shall be sent to the state department of education and the Public Affairs Research Council of Alabama for review and recommendations. The commission shall

receive the recommendations of the state department of education and the Public Affairs Research Council of Alabama and shall have the final decision on grant recipients that meet the criteria and guidelines approved by the legislature.

(c) The commission shall develop plans for improving parental involvement in the educational process of children. Such plans shall be submitted to the legislature not later than the first day of the 1993 regular session of the legislature."

Section 5. Section 16-8-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-8-1.

(a) The county board of education shall be composed of not fewer than five nor more than seven members, who shall be elected by the qualified electors of the county.

(b) Board members shall be qualified electors and persons of good moral character, with at least a high school education or G.E.D. equivalency, be of good standing in their respective communities, known for their honesty, business ability, public spirit and interest in the good of public education and, after election, successfully complete state funded boardmanship training as provided and under guidelines developed by the Alabama Association of School Boards. Each county board of education shall certify annually to the State Department of Education successful completion by each of its members of boardmanship training. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more than 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates.

~~(b)~~ (c) County boards of education unless otherwise provided by law may use the provisions of this subsection to establish single member election districts with one board member elected from each district. ~~School boards exercising this option may establish five or seven such districts.~~ Such plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. The members so elected must be residents of the district in which election is sought. Such residency shall have been established at least one year before the general election at which the candidate is to be elected. The boundaries of such single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion those districts within six months following the publication of the results of each federal decennial census. ~~They shall be persons of good moral character, with at~~

~~least a fair elementary education, of good standing in their respective communities and known for their honesty, business ability, public spirit and interest in the good of public education. No member of the county board of education shall be an employee of said board; provided, that in counties having populations of not less than 96,000 nor more 106,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a teacher. Members shall not be required to hold teachers' certificates."~~

Section 6. Section 16-8-23, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-8-23.

(a) The county board of education shall appoint, upon the written recommendation of the county superintendent, all principals, teachers, clerical and professional assistants authorized by the board. The county board may suspend or dismiss for immorality, misconduct in office, insubordination, incompetency or willful neglect of duty, failure to perform duties in a satisfactory manner, or whenever, in the opinion of the board, the best interests of the school system require it, assistant superintendents, principals, teachers or any other employees or appointees of the board, subject to the provisions of chapter 24 of this title sections 28 and 29 of this act.

(b) The superintendent shall have the right to suspend any employee whether tenured or non-tenured without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing Board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The Board's decision shall be final, subject to such judicial review as may otherwise be provided by law.

(c) Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law."

Section 7. Section 16-9-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-9-1.

(a) There shall be a county superintendent of education in each county of this state who shall act as the chief ~~executive~~ administrative officer of the county board of education and who shall also be secretary of the county board of education. The county board of education of each county shall appoint a superintendent of schools for a term of from two to four years ~~from the first day of July next succeeding his appointment~~ which appointment may be terminated during said term for good cause.

(b) The county superintendent of education shall devote his entire time to public school business. The county superintendent of education shall receive such compensation and other allowances as the county board of education shall direct.

(c) No provision in this act shall be construed to repeal any local act of any county which provides for the popular election of the county superintendent of education."

Section 8. Section 16-9-12, Code of Alabama 1975, is hereby repealed.

Section 9. Section 16-9-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-9-2.

(a) The county superintendent of education shall be chosen for his general fitness and character and shall be a person of recognized ability as a school administrator. No person shall be eligible for appointment by any county board of education or for any political party nomination, or for election to the office of county superintendent of education unless such person:

(1) Holds an Alabama certificate in administration and supervision based upon requirements established by the state board of education for such certificates;

(2) Has had not less than five years of experience in public school work at the time he assumes office;

(3) Submits proof to the state superintendent of education of three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator or instructor in school administration during the five years next preceding his appointment or election; and

(4) Submits proof to the county board of education that he holds a degree from a recognized four-year college or university; and that he is knowledgeable in school administration.

~~(5) If such person is to be appointed by the county board of education,~~

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~~submits proof to the county board that he is knowledgeable in school administration.~~

(b) A county superintendent of education, whether elected or appointed, need not be a resident or qualified elector of the county in which he is to serve. In every county where the county superintendent of education is elected by popular vote, he shall be nominated and elected in the same manner as other county officers are nominated and elected under the state election laws."

Section 10. Section 16-11-2, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-11-2.

(a) The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of such city, and who shall not be members of the city council or commission.

(b) The members of such city board of education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, but possess either a high school education or G.E.D. equivalency, be a qualified elector and after appointment, successfully complete annual state funded boardmanship training as provided and under guidelines developed by the Alabama Association of School Boards but. Each city board of education shall certify annually to the State Department of Education successful completion by each of its members of boardmanship training. ~~no~~ No person shall be appointed or elected to this board under the provisions of this section who is in any way subject to the authority of the board; provided, that in cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a classroom teacher.

(c) Each member of such city board in cities having a population of 300,000 or more according to the last or any subsequent federal census shall receive \$50.00 for each meeting of the board, whether special, regular or executive session, attended by him; provided, that no member shall receive more than ~~\$150.00~~ \$300.00 during any one month. This compensation shall be paid from the city school funds in the manner provided for paying out of such city school funds.

~~(d) Any city or town which has had the general administration and supervision of the public schools and educational interests of such city or town vested in a city board of education for a period of 20 years or more prior to August 15, 1951, may, if it elects, and except as may be provided by law, continue to have general administration and supervision of the public schools and educational interest~~

~~under a local board of education regardless of any past or future federal census."~~

Section 11. Section 16-11-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-11-1.

(a) A "city" within the meaning of this title shall include all incorporated municipalities of ~~5,000~~ 14,000 or more inhabitants, according to the last or any succeeding federal census, or according to the last or any succeeding census taken under the provisions of sections 11-47-90 through 11-47-95.

(b) Nothing in subsection (a) hereof shall affect the existence of any city board of education as established as of the effective date of this Act; provided further that municipalities having a population of between 5,000 and 14,000 persons according to the 1990 federal decennial census shall be permitted to establish an independent city board of education at any time prior to October 1, 1993."

Section 12. Section 16-13-199, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-13-199.

(a) When a municipality under the jurisdiction of a county board of education attains a population of ~~5,000~~ 14,000 or more, according to the last decennial or any subsequent federal census, the ~~schools of the municipality may remain under the control of the county board by agreement between that board and the city council of the municipality, which agreement shall be expressed in resolutions adopted by and spread upon the minutes of the two authorities governing body of the municipality may elect to establish an independent board of education by duly adopted municipal ordinance. If the governing body of the municipality does not enter into such an agreement, so elects,~~ the control of the school or schools of the territory within the municipality shall be vested in a city board of education, and thereafter the district school tax collected in the city shall be paid over to the custodian of city school funds, and the district school tax collected in the contiguous territory shall be paid over to the custodian of county school funds; provided, that so much of the proceeds of the special school tax collected in the original school tax district as may be required for the retirement of outstanding warrants issued against such tax, including the interest thereon, shall be paid over to the proper official or authority to be used for such purpose.

(b) Nothing in subsection (a) hereof shall affect the existence of any city board of education established as of the effective date of this act; provided further that municipalities having a population of between 5,000 and 14,000 persons according to the 1990 federal decennial census shall be permitted to establish an independent city board of education at any time prior to October 1, 1993."

REGULAR SESSION
29th Day

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Section 13. Section 16-11-3, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-11-3.

Annually at the regular meetings of the city council or commission in April the said council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. The terms of office of members of the appointed city boards of education shall be five years, and the term of one member shall expire annually. In the event of a vacancy in the membership of the city board of education by resignation or otherwise, the fact shall be reported to the city council or commission by the said board, and the said council or commission shall elect a person to fill such a vacancy for the unexpired term. Before exercising any authority or performing any duties as a member of the city board of education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by article XVI of the Alabama Constitution, the certificate whereof shall be filed in the office of the judge of probate of the county."

Section 14. Section 16-11-17, Code of Alabama 1975, is hereby repealed.

Section 15.

(a) The city board of education shall appoint, upon the written recommendation of the city superintendent, all principals, teachers, clerical and professional assistants authorized by the board. The city board may suspend or dismiss for immorality, misconduct of office, insubordination, incompetency or willful neglect of duty, failure to perform duties in a satisfactory manner, or whenever, in the opinion of the board, the best interests of the school system require it, assistant superintendents, principals, teachers or any other employees or appointees of the board, subject to the provisions of sections 28 and 29 of this act.

(b) The superintendent shall have the right to suspend any employee whether tenured or non-tenured without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The board's decision shall be final, subject to such judicial review as may otherwise be provided by law.

(c) Nothing in this section shall be construed as preventing the right to

suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law.

Section 16. Section 16-12-1, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-12-1.

The city board of education shall appoint a city superintendent of schools for a term of from two to four years ~~to hold office at the pleasure of the board which appointment may be terminated during said term for good cause.~~ The city superintendent of schools shall receive such compensation and other allowances as the city board of education shall direct. ~~The city board of education may remove the city superintendent of schools for incompetency, immorality, misconduct in office, willful neglect of duty or when, in the opinion of the board, the best interests of the schools require it."~~

Section 17. Section 16-23-14, Code of Alabama 1975, is hereby amended to read as follows:

"Section 16-23-14.

For the purpose of setting up standards for the preparation of teachers, supervisors and administrative employees for service in the public schools, the state board of education shall authorize and prescribe minimum requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions, and it shall be the duty of the state superintendent of education or his professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of such institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state. Furthermore, the state board of education shall authorize and prescribe minimum standards whereby each institution engaged in teacher-training shall be required to provide remediation to its teacher-training graduates who demonstrate a need, as reflected by a performance-based evaluation, for remedial training or development in his or her first three years of employment as a teacher. The teacher-training institution shall provide this remediation at no cost to its teacher-training graduates."

Section 18. Repeal of Alabama Tenure Law.

Sections 16-24-1 through 16-24-38, Code of Alabama 1975, are hereby repealed.

Section 19. General Definitions.

(a) The term "teacher" is deemed to mean and include employees of county and city boards of education, the Alabama Institute for Deaf and Blind and Department of Youth Services School District who possess a certificate issued by the teacher certificating authority of the state of Alabama and who are employed in a position for which a certificate is required by the Alabama State Department of Education or Board of Education. Personnel employed on a full-time basis, as defined by the rules and regulations of the State Board of Education, at two-year educational institutions under the control and auspices of the State Board of Education who are employed in academic or technical education, including instructors, counselors, librarians, business managers, deans, assistant deans, and associate deans are for purposes of this act deemed to be teachers and covered under the provisions herein; however, personnel employed at two-year colleges shall not be required to obtain a teaching certificate in order to maintain either their teaching position or tenure under the provisions of this act.

Notwithstanding the above, superintendents, assistant superintendents, principals, assistant principals, presidents, vice presidents, provosts, or other chief administrative officers of employing boards shall not be deemed teachers within the meaning of this act and shall not be eligible for tenure under the terms of this act in that capacity.

(b) Employing board shall be defined as a city or county board of education; the board of trustees of the Alabama Institute for Deaf and Blind; the board of education of the Alabama Department of Youth Services School District; the Chancellor of the Department of Postsecondary Education, for two-year institutions under the control and auspices of the State Board of Education; with regard to two-year educational institutions under the control and auspices of the State Board of Education, the term "employing board" when used in the context of the employing entity shall be defined as the respective education institution, and when used in the context of the entity which is responsible for the final decision in a personnel action or proposed personnel action subject to the hearing procedure described in this act shall be the Chancellor of the Alabama Department of Postsecondary Education. The State Board of Education shall adopt such rules, regulations, and policies as may be necessary and appropriate to define the respective authority, duties, and responsibilities of the state's two-year educational institutions and the Chancellor regarding their respective roles as the employing board.

(c) Superintendent shall mean the chief administrative officer of the employing board and shall also include the president of two-year colleges under the control and auspices of the State Board of Education, and other covered institutions.

(d) Persons employed in supervisory positions are deemed teachers for purposes of this act if they possess a certificate and occupy a position for which a certificate is required.

The term "support employee" is deemed to mean and include those persons employed full-time by a county or city board of education, two-year educational institutions under the control and auspices of the State Board of Education, the Alabama Institute for Deaf and Blind (not to include production workers at the Alabama Industries for the Blind), educational and correctional institutions under the control and auspices of the Alabama Department of Youth Services School District in a capacity other than "teacher," as that term is defined in Section 19 of this act, except for employees covered by the state merit system or other similar state statute; and provided further that a teacher who performs additional duties for which the teacher receives supplemental compensation shall not be deemed also to be a support employee as a result of performing those additional duties. Full-time employees are those employees whose duties require 20 or more hours in each normal working week or adults who are employed as bus drivers. Notwithstanding the above, superintendents, assistant superintendents, principals, assistant principals, presidents, vice presidents, provosts, or other chief administrative officers of employing boards shall not be deemed support employees within the meaning of this act and shall not be eligible for tenure under the terms of this act in that capacity.

Section 21. Criteria for determining teacher tenure.

(a) Any teacher who shall meet the following requirements shall attain tenure:

(1) Such teacher shall have served under contract with the same employing board or college for three consecutive, full school years and be renewed for employment for the next succeeding school year by such employing board or college. Any non-tenured teacher shall be deemed offered reemployment for the succeeding school year at the same salary unless the employing board or college shall cause notice in writing to be given said teacher on or before the last day of the school year in which the teacher is employed; and such teacher shall be presumed to have accepted such employment unless he shall notify the employing board or college in writing to the contrary on or before the fifteenth day of June. The employing board shall not cancel the contract of any tenured teacher, nor cause notice of nonemployment to be given to any tenured or non-tenured teacher except by a vote of a majority of its members evidenced by the minute entries of said board made prior to or at the time of any such action.

(2) An instructor who has attained tenure and who is promoted to supervisor shall serve a probationary period of three consecutive years in that position. If the supervisor is not notified of non-renewal in the position prior to the end of the third school year, the supervisor shall then attain tenure in that position. Such promotion shall in no way jeopardize the tenure of the supervisor as an instructor; and should the promoted instructor not be retained as supervisor, the supervisor's salary would be reduced to the salary paid instructors in accordance with the prevailing salary schedule of the employing board or college. Nonrenewal of a non-tenured supervisor and reassignment to an instructor position shall not be

deemed a contract cancellation or transfer for purposes of this act.

(3) The first year of employment shall count as a full year for purposes of attainment of tenure only if the teacher is employed by the employing board or college on or before the tenth working day of the second semester or quarter, whichever is applicable, and remains employed through the end of the school year.

(4) No partial teaching service during a school year, as school year is defined by the employing board of education or college, shall count toward the attainment of tenure, except as otherwise provided.

(5) As of the effective date of this act, any person who has attained tenure with an employing board or college shall retain such tenure.

(6) When two or more school systems or colleges are consolidated under one employing board or college, or when one or more schools are separated from a school system in order to become a part of or to constitute another school system, the tenure status of the employees involved in such changes is in no way jeopardized.

Section 22. Criteria for determining support employee tenure.

(a) A support employee who shall meet the following requirements shall attain tenure:

(1) An employee shall have been employed as a support employee by the same employing board or college for at least nine months in each of three consecutive school years.

(2) During the probationary period specified above, the employing board or college may terminate a support employee by furnishing said employee written notification thereof at least fifteen calendar days prior to the effective date of termination.

(3) During the probationary period specified above, the superintendent shall evaluate annually the support employee.

(4) As of the effective date of this act, any non-tenured employee who has attained tenure as a support employee with an employing board or college under the prior laws shall retain tenure as a support employee in said system.

Section 23. Criteria for determining tenure of a principal and procedure for evaluation of principals.

(a) The term "principal" is deemed to mean and include only those persons certified by the state board of education who are employed by an employing board

of education as the chief administrator of a school, including a vocational center.

(b) A principal shall attain tenure only in accordance with the provisions of this chapter.

(c) As of the effective date of this act, a principal who has attained tenure as a principal with an employing board under the prior tenure law shall retain tenure as a principal in said system. A tenured principal who has attained tenure previously with an employing board as an instructor or supervisor shall retain tenure as an instructor or supervisor in said system.

(d) As of the effective date of this act, no principal employed by an employing board of education shall attain tenure, except as otherwise provided herein.

(e) A tenured principal may elect non-tenured employment with an employing board of education as follows:

(1) A tenured principal shall elect to be employed as a tenured or non-tenured principal. The election shall be irrevocable. A principal selecting non-tenured status shall be given a three-year contract.

(2) No later than two years from the effective date of this act, all currently employed principals shall elect to be employed either as a tenured or non-tenured principal. The election is irrevocable, except as otherwise provided by this act.

(3) Employees hired as non-tenured first time principals shall be employed for a three year period under a performance-based contract, provided however that an employee who has never been employed as a principal may, upon the mutual agreement of that employee and the employing board, be employed as a non-tenured principal under a performance-based contract for a three year period which contains a one year probationary period. In such instances the remaining two years of the contract shall be contingent upon the receipt of a satisfactory first year evaluation. The performance-based contract shall be developed by the employing board of education, but shall utilize any criteria for the evaluation of a principal developed by the state board of education. A currently tenured principal who elects non-tenured employment shall receive a \$5,000.00 annual salary increase, funded annually through the Education Trust Fund and received by the principal as salary, based upon the salary schedule and methodology utilized by the employing board. For each contract year thereafter, the principal shall be entitled to a base salary which is \$5,000.00 more than the salary to which he would otherwise be entitled. The above salary increase shall be in addition to any pay raise granted by either the legislature or the local board of education. Said salary increase shall be considered for purposes of calculating teacher retirement and other benefits which are or may be provided by either the legislature or local board of education. Any currently tenured principal electing non-tenured employment shall retain as a part of his salary the \$5,000.00 salary increase regardless

of the principal's subsequent employment with another employing board.

(4) The superintendent or designee shall evaluate annually the performance of a non-tenured principal. For each year of satisfactory evaluation, the contract of a non-tenured principal shall be automatically extended for one school year, as school year is defined by the county or city board of education. The local board, upon the recommendation of the superintendent, may at any time enter into a new three year contract with a non-tenured principal.

(5) In the event of an unsatisfactory evaluation, a conference shall be held with the non-tenured principal and a plan of professional development shall be presented by the superintendent to the non-tenured principal which specifies the area(s) of unsatisfactory performance and establishes a plan to correct the unsatisfactory performance. A non-tenured principal shall complete the plan of professional development prior to the next evaluation. Within seven days of completion of the plan of development, a non-tenured principal may request a reevaluation. If the reevaluation is satisfactory, then the contract of the non-tenured principal shall be extended for one school year. If the results of the reevaluation are unsatisfactory, then the non-tenured principal shall be informed of the reason(s) for the unsatisfactory reevaluation. In cases where the superintendent performs the initial evaluation, the review shall be performed by a local employee designated by the superintendent. A review of an evaluation shall be completed within thirty days of receipt of request for reevaluation.

(6) If, within the three year contract period, a non-tenured principal received two consecutive annual unsatisfactory evaluations and the non-tenured principal has completed all plans for professional development, then within seven days of receipt of the second unsatisfactory evaluation, the non-tenured principal may file with the employing board an affidavit under oath which alleges facts that the second unsatisfactory evaluation was motivated by personal or political reasons. The investigation of such allegation shall be conducted by the employing board, unless the superintendent or principal objects, in which case the investigation shall be conducted by a person designated by the state superintendent; provided further, that if the superintendent or principal objects, the investigation shall be conducted by a person designated by the Chairman of the Standards on Excellence Commission. If the investigation finds the allegation to be supported by clear and convincing evidence, then the local board shall designate a professionally qualified person who shall conduct a reevaluation of the principal within thirty days. If the reevaluation is unsatisfactory, then the principal may again file an affidavit under oath with the previously identified designee alleging personal or political motivation. If the designated investigator again finds the allegations to be supported by clear and convincing evidence, then the second unsatisfactory evaluation shall be void and a final reevaluation shall be conducted by the designated investigator. If the final reevaluation is satisfactory, then the contract of the principal shall be extended for one year. Nothing in this subsection shall be construed to limit other reasons for dismissal of a non-tenured principal which are otherwise provided by law.

(7) Any non-tenured principal who has received an unsatisfactory annual evaluation and thereafter shall in two successive years receive satisfactory evaluations shall be deemed to have been restored to a three year contract with his employing board.

(8) A non-tenured principal may be transferred or dismissed at any time during the term of the principal's contract by being afforded the hearing rights and procedures outlined herein for any other tenured employee.

(f) All current tenured principals not electing to be employed as non-tenured principals shall be deemed to have elected to remain as tenured principals. A tenured principal shall have the opportunity to elect to be employed as a non-tenured principal as provided in this act.

(g) For three years after the effective date of this act, an employing board, for periods of time not to exceed ninety days, may allow a tenured principal to elect to change his employment to that of a non-tenured principal. The election is irrevocable. Within the three year period above, the employing board may allow for multiple opportunities for a tenured principal to change his employment to that of a non-tenured principal.

(h) As of the effective date of this chapter, an employing board shall not reduce the salary schedule of a principal below the 1992-93 salary schedule level.

(i) A decision not to continue the employment of a non-tenured principal beyond the expiration date of the principal's current contract must be made and the principal so notified in writing at least 180 calendar days prior to the expiration of the current contract; provided, however, that a decision not to continue the employment of a non-tenured principal who is serving under a contract which contains a one year probationary period may be made and notice to that effect given in writing at any time prior to the end of the probationary period. A decision not to continue the employment of a non-tenured principal shall be made by majority vote of the employing board upon the written recommendation of the superintendent. Such a decision will terminate the employment relationship between the employing board and the principal at the end of the current contract period or, where applicable, at the end of the probationary period; provided, however, that a principal who held a tenured position other than principal in the school system prior to becoming a principal shall retain that previously earned tenured status in that school system.

(j) If the employing board does not give notice of a decision not to continue the non-tenured principal's employment beyond the expiration date of the principal's current contract as required by subsection (i), the principal's contract shall be deemed extended for a period of one year beyond the current contract term; provided, however, that the employment relationship between the employing board and the principal may thereafter be terminated effective at the expiration of the extended contract in accordance with the provisions of subsection (i).

Section 24. Duties of Principal.

(a) A principal shall supervise the daily operation and management of personnel, finances, facilities, and other matters of the school or campus for which he is responsible. A principal shall assume the administrative responsibility and instructional leadership, as directed by the superintendent, consistent with the employing board policy, for the planning, management, operation, and evaluation of the education program of the school or campus under the principal's responsibility.

(b) A principal shall make a written recommendation to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or campus under his responsibility. If a recommendation of a principal is rejected, then the principal shall submit a second recommendation. The superintendent shall have final authority for personnel assignments within the school system.

(c) A principal shall observe all rules, policies, and procedures relative to the operation of the public schools as established by applicable laws and rules and standards of both the State Board of Education and the employing school board.

(d) A principal shall perform all other duties assigned by the superintendent, consistent with the employing board's policy.

Section 25. Contract of employment effective until superseded or canceled.

The contract of employment of any tenured employee shall remain in full force and effect unless superseded by a new contract signed by both parties, or canceled as provided in Section 28.

Section 26. Change of compensation for succeeding year.

The salary or compensation of any tenured employee may be changed for any succeeding year to accord with a general salary schedule adopted by the employing board of education; provided, that no salary schedule shall operate to compensate teachers in less sums than the sums contained in a minimum salary schedule, which may be adopted by the State Board of Education of Alabama for teachers in the public schools or colleges of the state.

Section 27. Transfer of tenured and non-tenured employees.

(a) A superintendent may transfer or reassign any non-tenured teacher or non-tenured support employee at any time, and the transfer shall be effective immediately.

(b) A superintendent may transfer any tenured teacher from one position,

school or grade to another by giving written notice of such transfer, and the reasons therefor, at any time not later than thirty calendar days prior to the commencement of the school year for which the transfer is to be effective. For purposes of this subsection, the school year shall commence on the first day of attendance by students. The transfer shall be effective at the commencement of the school year. A tenured teacher affected by such a transfer may request a hearing before a hearing officer as provided in Section 29. The superintendent's decision shall be presumed correct, and shall not be disturbed unless the teacher proves that the transfer was arbitrary or capricious or based upon personal or political reasons on behalf of the superintendent or employing board. No such transfer shall result in loss of tenure or violation of contract, and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations.

(c) In addition to the transfer procedure specified in subsection (b), above, a superintendent may transfer any tenured teacher from one position, school or grade to another by giving written notice of such transfer, and the reasons therefor, at any time not later than ten working days after the commencement of the school year for which the transfer is to be effective. The 10 day period shall begin on the first day of attendance by students. The superintendent shall, before initiating any transfer under this subsection, publish notice of the proposed transfer and a description of the vacancy which will be filled by the transferred teacher. The publication shall be made for a period of not fewer than five working days. If school is in session, such publication shall be made at all relevant schools and other relevant school work sites, and may be by posted notice or by such other means ordinarily used by the superintendent to disseminate information generally to employees; provided, however, if the reason for the transfer is to reduce the number of teacher units in a school or school work site because of student enrollment, the notice need be posted only at the school or school work site from which a teacher is to be transferred. If school is not in session, the publication shall be made by notice posted at the office of the superintendent. Any teacher may volunteer to accept the proposed transfer, and the superintendent shall give due consideration to any such volunteer before transferring a tenured teacher involuntarily. Where the reason for the transfer is to adjust the number or allocation of teachers because of student enrollment, the superintendent shall not transfer a tenured teacher if there is employed in the same school a non-tenured teacher whose transfer would reasonably accomplish the superintendent's purpose. Upon expiration of the five day publication period, but in no event later than the tenth working day as herein provided, the superintendent may effect the transfer of a tenured teacher by giving the required notice. The transfer shall be effective at the commencement of the school year or, if the notice is given after commencement of the school year, upon receipt by the teacher of the notice. A tenured teacher affected by such a transfer may request a hearing before a hearing officer as provided in Section 29 of this act. In proceedings contesting a transfer under this subsection, the superintendent shall bear the burden of proving

that there was a sound educational or programmatic reason for the transfer. If the reason for the transfer under this subsection is to adjust the number or allocation of teachers because of student enrollment, the superintendent shall also bear the burden of proving that the circumstances necessitating the transfer were not known to the superintendent in time to initiate the transfer at least 30 days before the commencement of school. If the transfer under this subsection is for a reason other than to adjust the number or allocation of teachers because of student enrollment, the superintendent shall also bear the burden of proving that the superintendent could not reasonably have known or anticipated the circumstances necessitating the transfer in time to initiate the transfer at least 30 days before the commencement of school. No transfer under this subsection shall result in loss of tenure or violation of contract and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations.

(d) Any tenured teacher transferred under subsection (c) shall be entitled, for a period of two years commencing with the effective date of the transfer, to return to the school from which the teacher was transferred if a vacancy occurs in the field in which the teacher was teaching at the time of the transfer, and the employing board intends to fill such vacancy. If the employing board intends to fill such vacancy, the superintendent shall notify the transferred teacher of the vacancy and, if otherwise qualified at the time for the position, the teacher shall be entitled to return to such position.

(e) A superintendent may transfer a tenured support employee at any time from one job classification, school or work site to another by giving written notice of such transfer, and the reasons therefor. For purposes of this subsection, "transfer" does not include a reassignment which would cause the employee to work at a facility or site which is located on the same campus or contiguous parcel of real estate as the school or worksite at which the employee was previously working. The support employee's "school or work site" shall include all facilities or grounds of the employing board at which the employee works or may reasonably be expected to work as part of the employee's regular job responsibilities. Before initiating an involuntary transfer of a tenured support employee, the superintendent shall publish notice of the proposed transfer and a description of the vacancy which will be filled by the transferred employee. The publication shall be made for a period of not fewer than five working days. Such publication shall be made at all relevant work sites, and may be by posted notice or by such other means ordinarily used by the superintendent to disseminate information generally to employees; provided, however, if the reason for the transfer is to decrease the number of support employees at a school or work site, the notice need be posted only at the school or work site from which a support employee is to be transferred. Any support employee may volunteer to accept the proposed transfer, and the superintendent shall give due consideration to any such volunteer before transferring a tenured support employee involuntarily. Upon expiration of the five day publication period the superintendent may effect the transfer of a tenured support

employee by giving the required notice. The transfer of a tenured support employee shall take effect immediately upon notification by the superintendent, except that the support employee may request for hardship reasons to delay the transfer for not more than five working days, which request shall not unreasonably be denied. A tenured support employee affected by such a transfer may request a hearing before a hearing officer as provided in Section 29 of this act. The superintendent's decision shall be presumed correct, and shall not be disturbed unless the support employee proves that the transfer was arbitrary or capricious or based upon personal or political reasons on behalf of the superintendent or employing board. If the superintendent declined to accept any volunteer for the transfer and the support employee contests the transfer on that basis, the support employee shall bear the burden of proving that the superintendent's decision was not reasonable under the circumstances. No transfer under this subsection shall result in loss of tenure or violation of contract, and no such transfer shall be made for political or personal reasons on behalf of the superintendent or the employing board. Except as herein provided, the process for resolving contested transfers under this subsection shall be the same as that used for contested contract cancellations. Nothing herein shall prohibit the superintendent from making a temporary transfer of a tenured support employee, for a period not to exceed ten working days, when the superintendent determines that exigent circumstances require such action.

(f) If a tenured teacher or tenured support employee successfully contests a transfer, such employee shall be entitled to resume his former position at the following times: (1) at the time of the employing board's final decision disallowing the transfer, or (2) at the time of a decision of the Alabama Court of Civil Appeals reversing the action of the employing board if the employing board rejected the recommendation of the hearing officer and permitted the transfer to remain in effect.

Section 28. Cancellation of contract - grounds.

Cancellation of an employment contract of a tenured employee may be made for failure to perform duties in a satisfactory manner, incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of positions, or other good and just cause. Cancellation shall not occur for political or personal reasons. No cancellation shall be initiated against any tenured employee after the expiration of three years from the date such cause became known to the employing board. Provided, however, that evidence of events and circumstances predating the three year period may be considered if determined by the hearing officer to be relevant.

Section 29. Hearing Procedure.

(a) The following hearing procedure shall be followed for all transfers or cancellations of contracts of tenured employees. No action shall lie for the recovery of damages for the breach of any employment contract of an employee of an employing board.

(b) The superintendent shall initiate all transfers and cancellations of contracts of tenured employees by giving written notice of the proposed personnel action. The notice shall contain:

(1) a statement of the proposed personnel action and the statutory authority for such action;

(2) a statement of the right to request a hearing and a brief outline of the hearing process and rights of the employee; and

(3) a detailed statement of the reasons for the proposed action.

(c) Service of Notice. The notice may be served in either of the following ways:

(1) personal service, with a copy mailed to the last known address of the employee, or

(2) certified mail, return receipt requested mailed to the last known address of the employee.

(d) Request for Hearing. An employee may request a hearing to contest a proposed action. The request shall be in writing; filed with the superintendent; and received by the superintendent within seven calendar days of the date of receipt of notice of the proposed action. Failure to request a hearing within the above time frame shall constitute a waiver of the opportunity for a hearing and shall cause the proposed personnel action to become final and effective immediately upon approval by the employing board.

(e) Selection of hearing officer.

(1) If a hearing is requested timely, a hearing officer shall be appointed from a roster of hearing officers provided by the American Arbitration Association in accordance with their expedited procedures. All hearing officers shall meet the following requirements:

(i) be experienced and knowledgeable in education and personnel matters or attend training administered jointly by the Alabama Education Association and the Alabama Association of School Boards; and

(ii) shall be a resident of a member state of the Southern Regional Education Board.

(2) It shall be the duty of the superintendent to notify the American Arbitration Association that a hearing has been requested and to whom the rosters should be mailed. Within seven calendar days of receipt of a request for a hearing, the names of seven potential hearing officers shall be furnished by the

American Arbitration Association to the parties and any attorney who has filed an appearance on the part of a party. If a party has had an attorney file an appearance on their behalf, service of the list of potential hearing officers on that attorney shall be deemed as service on the party. Each party shall within seven calendar days strike no more than two names from the list and notify the American Arbitration Association of the strike(s). The strikes shall be made independently by the parties without reference to any strikes that the other party may choose to make. At the conclusion of the seven calendar day striking period, the American Arbitration Association shall designate a hearing officer from the names that were not eliminated by strikes of the parties.

(f) Conduct of hearing, authority of hearing officer.

(1) The hearing shall commence within fourteen calendar days of selection of the hearing officer. The hearing officer shall establish a time and place for the hearing, which shall be held in a suitable site provided by the employing board.

(2) In the conduct of a hearing, the hearing officer shall have authority to:

(i) maintain order;

(ii) cause a record of the proceedings to be made;

(iii) establish reasonable time limits for the conduct of the proceedings;

(iv) rule on the admissibility of evidence, including the number of witnesses to testify for either party;

(v) issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence. Upon request, the hearing officer shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and such witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the same to be paid out of school funds; provided, that the local board shall not be accountable for the witness fees of more than ten of the witnesses subpoenaed by the employee. In case a person refuses to obey such subpoena, the hearing officer may invoke the aid of the circuit court in order that the testimony or evidence be produced; and, upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the hearing officer and produce evidence and give testimony relating to the matter at issue; a person failing to obey the court's subpoena or order shall be punishable by the court as for contempt;

(vi) if necessary, hold a prehearing conference, to be conducted by telephone if appropriate, or issue an order to clarify the matter(s) in dispute; establish the order of presentation; allow and establish time limits for the exchange of exhibits and names of witnesses; and

(vii) enter an order on any other matter which would facilitate the conduct of the hearing, including the suspension, for good cause shown, of any time period established herein.

(3) At the option of the employee, the hearing may be closed to the public; provided that any board member may attend all or part of a hearing. Attendance in the hearing as an observer disqualifies the board member as a witness at the hearing.

(4) Record of Proceedings.

(i) It shall be the responsibility of the superintendent to maintain the record of the hearing which shall include:

1. the notice of proposed action;
2. the request for a hearing;
3. all evidence admitted during the hearing;
4. a transcript of the proceedings;
5. a statement of all matters officially noticed;
6. all questions and offers of proof, objections and rulings thereon;
7. the written recommendation of the hearing officer; and
8. the final decision of the employing board.

(ii) The proceedings shall be recorded by a qualified court reporter. The cost of transcription shall be paid by the employing board. The parties shall ensure that the transcript is completed no later than twenty-one calendar days after conclusion of the hearing.

(5) Costs and expenses.

(i) The parties shall bear their own costs and expenses. The parties shall bear equally all costs attributable to the hearing officer.

(6) Expedited Proceedings.

(i) In order to expedite the hearing process contemplated by this act, all communications except the initial notice to the employee of the proposed personnel action may be by facsimile transmission or other means of expedited delivery.

(7) Settlement.

(i) Informal dispositions may be made of any matter by stipulation, agreed settlement, consent order, or by another method agreed upon by the parties in writing. An informal disposition shall be final and binding upon the parties.

(ii) At any time after submission of a request for a hearing, an employee may, in writing, withdraw his request for a hearing. Upon withdrawal, the proposed personnel action shall become final immediately upon approval by the employing board.

(8) Report of Hearing Officer; Employing Board Action.

(i) Within seven calendar days of conclusion of the hearing, the hearing officer shall submit a written report to the employee and the employing board. The report shall include a brief statement of the nature and course of the proceedings, a statement of the reason(s) for the proposed personnel action, findings of fact, and a recommended decision on the proposed personnel action. If the employee contends that procedural errors have occurred in the proceedings which have substantially prejudiced his rights, the hearing officer's report shall include appropriate findings of fact relating to that contention, and a recommended disposition.

(ii) Within 14 calendar days of receipt of the record of proceedings compiled to that point, the employing board shall render its final decision. The employing board shall not be bound by the proposed decision submitted by the hearing officer; however, the findings of fact of the hearing officer shall be accorded a presumption of correctness. The final decision of the board shall be in writing. If the board determines that facts found by the hearing officer are against the great weight of the evidence and clearly erroneous, the board may reject those findings, in which case it shall state in writing its own findings of fact. If the employing board does not accept the hearing officer's recommendation on the proposed personnel action, the employing board shall render its independent decision in writing. If the board chooses to accept the recommendation of the hearing officer, it shall so state in writing. Nothing herein shall preclude the employing board from ordering a disposition other than that recommended by the superintendent.

(iii) The final decision of the employing board shall be served upon the employee in the same manner as service of a notice of a proposed personnel action. Except as otherwise provided in this act, the employing board's decision shall be final as of the day of its adoption.

(iv) In contract cancellation proceedings, the employee shall be removed from the payroll and the employee's salary cease at the time of the employing board's final decision cancelling the employee's contract. If the employing board accepts the recommendation of the hearing officer, but is later reversed, the employee shall be entitled to reinstatement and back pay. If the employing board rejects the recommendation of the hearing officer, and is later reversed, the employee shall be entitled to reinstatement, back pay, and interest at 9% per annum thereon.

Section 30. Appeal of Final Decision of Employing Board.

(a) A tenured employee may appeal the final decision of an employing board only to the Alabama Court of Civil Appeals. The appeal shall be filed within fourteen calendar days of the employing board's final decision. The appeal will be perfected by filing a written notice of appeal with the superintendent, who shall transmit the notice and the record of proceedings to the Clerk of the Alabama Court of Civil Appeals within fourteen calendar days of receipt of the notice of appeal. Failure by the employee to file a timely notice of appeal shall result in the employing board's decision becoming final; and failure by the superintendent to transmit timely the notice and record of proceedings shall result in a decision in favor of the employee.

(b) On appeal, the findings of fact of the hearing officer shall be entitled to a presumption of correctness. If the employing board has rejected some or all of the hearing officer's proposed findings, and has substituted its own findings, the findings by the employing board are not entitled to a presumption of correctness; but the appellate court shall consider the employing board's findings in determining whether the findings of fact of the hearing officer are clearly erroneous. The employing board's decision on the proposed personnel action will be affirmed unless the decision (1) does not have substantial support in the facts as determined by the hearing officer, or, if the hearing officer's findings are determined to be clearly erroneous, in the facts established in the record as a whole; or (2) is in violation of constitutional or statutory provisions; or (3) is in excess of the statutory authority of the employing board; or (4) is in violation of any pertinent, duly adopted policy of the employing board which violation worked to the substantial prejudice of the employee; or (5) is made upon irregular or unlawful procedure which worked to the substantial prejudice of the employee; or (6) is unreasonable, arbitrary or capricious or characterized by an abuse of discretion; or (7) would result in a disposition of the personnel matter which would be plainly unjust.

Section 31. Cancellation of Contract by Employee.

No employee, whether or not tenured, shall be permitted to cancel his contract during the school year for which said contract is in effect, nor for a period of 45 days prior to the beginning of such school year, unless such cancellation is mutually agreed upon; or unless such employee has been notified of a transfer fewer than 30 days prior to the first day of attendance by students. Any teacher cancelling his or her contract in any other manner than in this section provided shall be deemed guilty of unprofessional conduct, and the state superintendent of education is hereby authorized to revoke or suspend the certificate of said teacher.

Section 32. Effect of Leave of Absence on Tenure.

(a) Leave of absence for a period of one year for good cause may be

granted to a tenured employee by the employing board of education without the impairment of the tenure status of an employee; provided, that for valid reasons the board may extend the leave of absence for one additional year; and provided further, that upon the request of an employee who has heretofore or who shall hereafter enter the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, leave of absence shall be granted to such employee for the duration of the war and until the beginning of the school year next succeeding the date on which said employee is released from said military service; and, on or before such date, said employee must give written notice to the employing board of education whether or not he desires to be reemployed by said board. If such notice is not received by the employing board of education, or if the employee notifies the employing board on or before the date specified above that he does not desire reemployment, the employing board has no further responsibility with respect to reemployment of said employee. The term "military service of the United States," as used herein, shall include the Army of the United States, the United States Navy, the United States Air Force, the Marine Corps, the Coast Guard, the Army Specialist Corps, the Women's Army Auxiliary Corps and the Women's Volunteer Reserve of the United States Navy, those persons commissioned in the public health service or those persons entering into the service of any similar organization heretofore or hereafter formed by the government of the United States.

(b) A non-tenured employee entering the military service of the United States who has accumulated one or more school years of experience with an employing board of education immediately prior to entering military service, shall be given credit for such experience with the employing board of education in attaining tenure, if such employee is reemployed by said board of education within one year after the release of that employee from military service.

Section 33. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 34. Repeal of Fair Dismissal Act.

Sections 36-26-100 through 36-26-108 Code of Alabama 1975, are hereby repealed.

Section 35. Abolition of Boards of School Trustees.

(a) Sections 16-10-1 through 16-10-11, Code of Alabama 1975, are hereby repealed.

(b) Any board of school trustees currently in existence is hereby abolished. All books, records, and funds maintained or held by any board of school trustees currently in existence shall be delivered without delay to the principal of the school.

Section 36. All cases involving tenure or continuing service status under Title 16, Chapter 24, Code of Alabama 1975, as amended (teacher tenure law) and Title 36, Chapter 26, Code of Alabama 1975 (Fair Dismissal Act), in which notice of proposed cancellation of contract or transfer was served on the affected employee prior to the effective date of this act shall proceed under the laws, procedures and rules in said statutes as if said statutes remained in effect. By written agreement, which shall be included in the record of proceedings, the tenured employee and the superintendent may elect after the effective date of this Act to proceed instead under the provisions of this Act.

Section 37. Notwithstanding any law to the contrary, cities having elected boards of education on the effective date of this Act, whether established by local act or otherwise, shall continue to have elected boards as established and constituted, and provisions pertaining to the dates of elections, the conduct of elections, and other pertinent provisions shall continue in effect. All laws relating to elected city boards of education which were in effect prior to the passage of this Act, whether by local act or otherwise, are hereby ratified and confirmed.

Section 38. Rename the Alabama Special Educational Trust Fund.

The name of the "Alabama Special Educational Trust Fund" is hereby changed to the "Education Trust Fund." All references to the "Alabama Special Educational Trust Fund" or the "Alabama Special Education Trust Fund" contained in the Code of Alabama are hereby changed to the "Education Trust Fund." All other laws, rules, regulations, and legal references of any and all kinds to the "Alabama Special Educational Trust Fund" or the "Alabama Special Education Trust Fund" shall henceforth be changed to the "Education Trust Fund" effective October 1, 1993.

Section 39. All laws or parts of laws that conflict with this act are hereby repealed.

Section 40. This act shall be effective for all fiscal years or periods beginning after September 30, 1992 if the constitutional amendment proposed by House Bill 252 of the 1992 regular session has been ratified by the people and proclaimed by the Governor as required by law.

REPORT OF THE COMMITTEE ON CONFERENCE ADOPTED

On motion of Representative Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 221, said report being set out in the foregoing Report of the Committee on Conference.

Yeas 76; Nays 7.

Yea:

Mr. Speaker, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Bugg, Burke, Buskey (JL), Cagle, Campbell, Carns, Carothers, Clay, Collins, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Fuller, Gaston, Grayson, Gullatt, Hall, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Parker (P), Parker (T), Penry, Petelos, Poole, Powell, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Anderson, Dolbare, Hill, McKee, McMillan, Payne and Sanderford.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 176. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1993.

MCDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Harper, the House non-concurred in the Senate amendment to the bill, H. 176, and requested a Committee on Conference be appointed on the disagreement of the two Houses, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1993.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1993, and for debt service, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1993, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ASETF	Earmarked Funds	Appropriation Total
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SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program.....	101,816
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SOURCE OF FUNDS:

(1) ASETF.....	101,816
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Total American Legion and Auxiliary Scholarships.....	101,816	101,816
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To be expended under the provisions
of Code of Alabama 1975, Sections
16-31-1 through 16-31-4.

2. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program.....	2,849,048
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SOURCE OF FUNDS:

(1) ASETF.....	1,954,048
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(2) Federal and Local Funds.....	895,000
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Total State Council on the Arts.....	1,954,048	895,000	2,849,048
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In addition to the above appropriation to the State Council on the Arts, there is hereby appropriated \$450,000 to the State Council on the Arts for the Alabama Symphony to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director and the approval of the Governor.

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3. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program..... 282,000

In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF..... 282,000

Total Child Abuse and Neglect
Prevention Board..... 282,000 282,000

4. DEBT SERVICE:

(a) Debt Service Program..... 649,708

For interest on endowments as
follows:

For interest on University of
Montevallo (Alabama College)

Endowment, Estimated.....34,964

For interest on Auburn University
Endowment.....20,280

For interest on University of Alabama
Endowment.....61,000

For interest on Grove Hill Endow-
ment.....600

For interest on Public School Fund
Endowment:

Interest on 16th Section Lands,
Estimated.....410,000

Interest on School Indemnity Lands,
Estimated.....90,000

Interest on Valueless 16th Section
Lands.....5,825

Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund....275Total Interest on Public School Fund
Endowment.....532,864

SOURCE OF FUNDS:

(1) ASETF.....	649,708	
Total Debt Service.....	649,708	649,708

5. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	159,286
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SOURCE OF FUNDS:

(1) ASETF.....	159,286	
Total Board of Dental Scholarship Awards.....	159,286	159,286

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-76 through 16-47-81.

6. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program....	16,685,057
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The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Compact for Education.....43,623

Operations and Maintenance of
Department.....4,626,393Of the above appropriation for
Operations and Maintenance,
\$84,600 shall be expended for the
Homework Hotline Assistance
Program.

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Leadership and Management. .657,952

Of the above appropriation to Leadership and Management, an amount up to \$300,000 shall be expended on Project LEAD.

Electronic Network.....282,000

SOURCE OF FUNDS:

(1) ASETF.....	5,609,968		
(2) Federal and Local Funds.....		11,075,089	
Total Administrative Services Program	<u>5,609,968</u>	<u>11,075,089</u>	<u>16,685,057</u>
(b) Adult Basic Education Program.....			7,805,711

SOURCE OF FUNDS:

(1) ASETF.....	2,932,728		
(2) Federal and Local Funds.....		4,872,983	
Total Adult Basic Education Program...	<u>2,932,728</u>	<u>4,872,983</u>	<u>7,805,711</u>
(c) Community Education Program.....			981,024

Of the above appropriation to the Department of Education for Community Education, \$76,928 shall be allocated to the Birmingham Board of Education, Department of Community Education.

SOURCE OF FUNDS:

(1) ASETF.....	714,144		
(2) Federal and Local Funds.....		266,880	
Total Community Education Program...	<u>714,144</u>	<u>266,880</u>	<u>981,024</u>
(d) Financial Assistance Program.....			339,396,306

The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers
Scholarships.....21,503

To be paid in accordance with Code of Alabama 1975, Section 16-23-17.

Teacher In-service Centers. .1,846,067

The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$150,299 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$74,707 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
- (2) Alabama State University
- (3) Athens State College
- (4) Auburn University
- (5) Jacksonville State University
- (6) Troy State University
- (7) University of Alabama
- (8) University of Alabama at Birmingham
- (9) University of Montevallo

(10) University of North Alabama

(11) University of South Alabama

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1991-92, and the number of teachers employed as reported on the 1991-92 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

SOURCE OF FUNDS:

(1) ASETF.....	1,867,570		
(2) Federal and Local Funds.....		337,528,736	
Total Financial Assistance Program.....	1,867,570	337,528,736	339,396,306
(e) Alabama Young Farmers Education Program.....			45,252

SOURCE OF FUNDS:

(1) ASETF.....	45,252		
Total Alabama Young Farmers Education Program.....	45,252		45,252
(f) Instructional Technical Assistance Program.....			10,907,470

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Basic Skills Program.....890,218

Early Childhood Education
Administration.....93,344

Instructional Technical
Assistance.....1,205,699

S p e c i a l E d u c a t i o n
Administration.....378,198

V o c a t i o n a l E d u c a t i o n
Administration.....939,368

National Geographic Grant-Matching
Funds.....45,252

Drug Education.....40,945

SOURCE OF FUNDS:

(1) ASETF..... 3,593,024

(2) Federal and Local Funds..... 7,314,446

Total Instructional Technical Assis- tance Program.....	3,593,024	7,314,446	10,907,470
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(g) Local Agency Support Program.....			19,403,280
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The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Advanced Placement.....413,775

Driver Education, School Bus Driver
Training and Vehicle Safety
Inspection.....545,315

Free Textbooks.....12,734,770

Guidance and Counseling.....177,852

Operations and Maintenance. .137,592

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School Attendance.....165,632

School Facilities and Architectural
Services.....182,858

Testing.....2,192,289

Emergency Food Assistance and Child
Nutrition Programs.....62,285

SOURCE OF FUNDS:

(1) ASETF..... 16,612,368

(2) Federal and Local Funds..... 2,790,912

Total Local Agency Support Program... 16,612,368 2,790,912 19,403,280

(h) Regulation Program..... 2,369,728

The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Teacher Certification and Accredita-
tion.....550,700

Undergraduate/Graduate Program
Approval.....236,158

Operations and Maintenance. .570,556

SOURCE OF FUNDS:

(1) ASETF..... 1,357,414

(2) Federal and Local Funds..... 1,012,314

Total Regulation Program..... 1,357,414 1,012,314 2,369,728

(i) Support of Other Educational
Activities Program..... 15,000

The proposed spending plan for the
ASETf monies included in the
above program is as follows:

Education of Dependents of Blind
Parents.....15,000

SOURCE OF FUNDS:

(1) ASETF.....	15,000	
Total Support of Other Educational Activities Program.....	15,000	15,000

For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(j) Support of State Universities Program.....		50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	50,000	
Total Support of State Universities Program.....	50,000	50,000

(k) Multi-System Evaluation Center Program.....		94,000
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SOURCE OF FUNDS:

(1) ASETF.....	94,000	
Total Multi-System Evaluation Center Program.....	94,000	94,000

(l) Education Specialist for Litter Education Program.....		50,000
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SOURCE OF FUNDS:

(1) ASETF.....	50,000	
Total Education Specialist for Litter Education Program.....	50,000	50,000

(m) Alabama Center for Law and Civic Education.....		46,750
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SOURCE OF FUNDS:

(1) ASETF.....	46,750	
Total Alabama Center for Law and Civic Education.....	46,750	46,750
(n) Alabama Writing Project.....		100,000

SOURCE OF FUNDS:

(1) ASETF.....	100,000	
Total Alabama Writing Project.....	100,000	100,000
(o) Alabama Sports Festival.....		84,600

SOURCE OF FUNDS:

(1) ASETF.....	84,600	
Total Alabama Sports Festival.....	84,600	84,600
(p) Coordinator of School Health Services		62,500

SOURCE OF FUNDS:

(1) ASETF.....	62,500	
Total Coordinator of School Health Services.....	62,500	62,500
(q) Minority Student Recruitment Program.....		75,000

SOURCE OF FUNDS:

(1) ASETF.....	75,000	
Total Minority Student Recruitment Program.....	75,000	75,000
(r) Children's Theatre.....		150,000

SOURCE OF FUNDS:

(1) ASETF.....	150,000	
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Total Children's Theatre.....	150,000		150,000
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**TOTAL DEPARTMENT OF
EDUCATION:**

SOURCE OF FUNDS:

(1) ASETF.....	33,410,318		
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(2) Federal and Local Funds.....		364,911,360	
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GRAND TOTAL DEPARTMENT OF EDUCATION.....	33,410,318	364,911,360	398,321,678
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**7. EDUCATION, STATE BOARD OF -
MINIMUM PROGRAM AND
PUBLIC SCHOOL FUND:**

(a) Minimum Program.....			729,731,028
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SOURCE OF FUNDS:

(1) ASETF.....	667,054,543		
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(2) Public School Fund.....		58,000,000	
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(3) Local Funds.....		4,676,485	
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Total Minimum Program, Public School Fund and Local Funds.....	667,054,543	62,676,485	729,731,028
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The above appropriation shall be paid in accordance with Code of Alabama 1975, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto. For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all

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other funds as is now provided by law, however, not more than four percent of the Public School Funds appropriated above shall be used or expended otherwise than for the payment of teachers employed in such schools. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1993, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1993.

The appropriation hereinabove set out for the fiscal year 1992-93 is based on 24,766.01 teacher units. It is provided in the event that there are more than 24,766.01 earned teacher units for the fiscal year 1992-93, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$58,000,000 available from the Public School Fund for the fiscal year 1992-93, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$598,042,569. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	3,071.00	\$81,335,435
I	24,798	15,057.74	373,401,837
II	21,591	6,637.27	143,305,297
III	18,179	0.00	0
IV	15,787	0.00	0
		24,766.01	\$598,042,569

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,476,601.

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$68,560,736.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$1,362,131.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$58,988,991.

8. EDUCATION, STATE BOARD OF -
LOCAL BOARDS:

(a) State Board of Education, Local Boards Program.....	673,398,069
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SOURCE OF FUNDS:

(1) ASETF.....	673,398,069	
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Total State Board of Education-Local Boards.....	673,398,069	673,398,069
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To be distributed by the State Board of
Education for:

(1) Teachers' Sick Leave.....4,458,026

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1991-92 fiscal year be continued at that rate through the 1992-93 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick
Leave.....1,893,330

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal
Leave.....1,692,530

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ESEA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1991-92 fiscal year be continued at that rate through the 1992-93 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

(4) Support Personnel Personal
Leave.....414,409

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

(5) Classroom Instructional
Supplies.....20,984,563

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to

exceed four hundred seventy-eight dollars (\$478) per teacher unit for grades K-12 for all teachers employed (except ESEA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, Section 16-13-40, the above appropriation of \$20,984,563 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. The adoption of a budget for the expenditure of this appropriation shall be by secret ballot. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama 1975. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, Section 16-13-144. Any law, rule or regulation to the contrary

notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board. Restrictions shall not be devised (or imposed) to prohibit the ordering of Classroom Instructional Supplies beyond December 1 to the full extent of the appropriation.

(6) Kindergarten Instructional
Supplies.....1,031,343

The above appropriation of \$1,031,343 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. This appropriation shall be in addition to the funds provided herein for "Classroom Instructional Supplies." However,

this appropriation shall be subject to the same rules and regulations as are Classroom Instructional Supplies and shall also be subject to Section 16-13-13, Code of Alabama 1975. Each school shall have a specific policy on the development of the budget for Kindergarten Instructional Supplies consistent with state law, and such policy shall contain a secret ballot provision for the teachers in adopting said budget. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 80% of its allocation of the above appropriation for kindergarten instructional supplies. Restrictions shall not be devised (or imposed) to prohibit the ordering of Kindergarten Instructional Supplies beyond December 1 to the full extent of the appropriation.

(7) Maintenance.....7,816,489

To be distributed to all local boards of education based on a formula to be determined by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education.....25,449,112

(9) Special Schools for Special
Education.....3,791,225

To be distributed by the State Board of
Education as follows:

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Tuscaloosa Regional Handicapped School (a portion of which shall be used for Alberta City Summer Program for Mentally Retarded).....	407,264
Regional Center for Handicapped Children in Pickens County...	40,726
Southwest Alabama School for Deaf and Blind.....	366,538
Jasper Shriner School.....	20,363
Coffee County Board of Education-Project Independence.....	61,090
Auburn University Preschool for Multi-handicapped Children. .	35,024
Montgomery County Board of Education (for the purpose of operating a program for deaf students in public schools).....	61,090
Special Education School in Vinemont in Cullman County.....	104,953
Dothan City Board of Education (for a pilot program for gifted children and a program for hearing impaired).....	186,120
Houston County Board of Education (for a pilot program for gifted children).....	24,436
Cullman City Special Education Program.....	128,453
Cleveland School for the Handicapped.....	61,090
Tannehill Learning Center.....	22,897
Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, Section 16-39-3, and P.L. 94-142.....	454,570

Chauncey Sparks Center for Developmental and Learning Disorders.....	475,142
Geneva County Board of Education.....	31,088
Jackson County Board of Education.....	58,280
Tuscaloosa County Board of Education.....	225,600
Tuscaloosa City Board of Education.....	225,600
Crenshaw County Board of Education.....	84,600
Birmingham City Board of Education.....	188,000
Ozark City Board of Education. .	28,200
Dale County Board of Education.....	28,200
Daleville City Board of Education (for a program for gifted children)...	27,151
Baldwin County Board of Education-Operation Excellence.....	45,252
Troy City Board of Education...	178,929
Geneva City Board of Education (for a program for gifted children)...	24,436
Midfield City Board of Education (for Special Education).....	22,626
DeKalb County Board of Education (for the Northeast Alabama Regional Special Education Assessment Program).....	58,280
Covington County Board of Education (for the Audiological Center) .	58,827

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Huntsville City Board of Education.....28,200

Madison County Board of Education.....28,200

(10) Kindergarten Teacher Units.....79,075,989

The above appropriation is for 3,004.63 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$70,592,897. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	170.59	\$4,518,076
I	24,798	1,523.25	37,773,554
II	21,591	1,310.79	28,301,267
		3,004.63	\$70,592,897

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$8,317,837.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$165,255.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,004.63 teacher units are earned for the fiscal year 1992-93, then such amount shall not be allotted or paid. In the event more than 3,004.63 teacher units are earned for the fiscal year 1992-93, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
3-6.....11,653,425

The above appropriation is for 432.77
teacher units and includes salaries,
other current expense, and capital
improvements at the following
rates:

For "Salaries" the total shall not exceed the sum of \$10,431,568. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	60.59	\$1,604,726
I	24,798	246.68	6,117,171
II	21,591	<u>125.50</u>	<u>2,709,671</u>
		432.77	\$10,431,568

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$1,198,055.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$23,802.

- (12) Supportive Teacher
Units.....51,659,311

The above appropriation provides for
one extra unit or fraction thereof for
each aggregate of fifteen (15) units
or fraction thereof earned on
regular units in the Minimum
Program, Kindergarten Teacher
Units in (10) and Continuation
Teacher Units in (11). The above
appropriation is for 1,880.23
teacher units and includes salaries,
other current expense, and capital
improvements at the following
rates:

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For "Salaries" the total shall not exceed the sum of \$46,350,782. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	387.33	\$10,258,435
I	24,798	1,203.35	29,840,673
II	21,591	289.55	6,251,674
		1,880.23	\$46,350,782

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$5,205,116.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$103,413.

(13) Special Education Teacher
Units.....101,342,275

The above appropriation is for 3,700 teacher units and includes salaries, other current expense, capital improvements, and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$90,178,509. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	333.00	\$8,819,505
I	24,798	2,701.00	66,979,398
II	21,591	666.00	14,379,606
		3,700.00	\$90,178,509

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$10,242,858.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$203,500.

For "Transportation" the total shall not exceed \$717,408.

(14) Vocational Education. .81,359,428

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$940,000 shall be allocated for adult training and apprenticeship programs and \$1,316,000 shall be allocated for technical program improvement. Of the above appropriation, an equal amount shall be allotted to each vocational teacher unit funded herein for support and operations.

(15) Teachers' Aides.....3,677,598

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty consecutive minutes of time free from instructional or supervisory responsibilities each teaching day.

(16) Salary Increases for Tenured Teachers (Estimated)....93,307,972

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten

percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(17) Support Personnel Salary Increase (Estimated).....31,825,913

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(18) Social Security (FICA) - Employers' Share.....130,760,790

(19) Library Enhancement (K-12).....4,606,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding,

book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

(20) Driver Education Teacher
Units.....7,782,656

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,963,887. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	20.59	\$545,326
I	24,798	187.63	4,652,849
II	21,591	81.78	1,765,712
		290.00	\$6,963,887

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$802,819.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$15,950.

(21) Guidance Counselor Teacher
Units.....8,815,685

The above appropriation is for 316.84 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

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For "Salaries" the total shall not exceed the sum of \$7,921,138. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$26,485	38.02	\$1,006,960
I	24,798	<u>278.82</u>	<u>6,914,178</u>
		316.84	\$7,921,138

For "Other Current Expense" an amount not to exceed \$2,768.34 for each earned teacher unit but the total shall not exceed the sum of \$877,121.

For "Capital Improvements" an amount not to exceed \$55.00 for each earned teacher unit but the total shall not exceed the sum of \$17,426.

**9. EDUCATION, STATE BOARD OF -
POSTSECONDARY PRISON
EDUCATION:**

(a) Operations and Maintenance.....	7,270,945	4,825,680	12,096,625
(b) Library Enhancement.....	45,382		45,382
(c) High Technology Equipment.....	90,766		90,766
(d) Restricted Funds.....		<u>3,163,684</u>	<u>3,163,684</u>

SOURCE OF FUNDS:

(1) ASETF.....	7,407,093		
(2) Federal and Local Funds.....		<u>7,989,364</u>	

Total State Board of Education - Postsecondary Prison Education.....	<u>7,407,093</u>	<u>7,989,364</u>	<u>15,396,457</u>
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(1) The Operations and Maintenance appropriation above of \$7,270,945 to the State Board of Education for Postsecondary Prison Education shall be distributed to colleges with approved programs in accordance with the following formula: To each college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1990-91 and the fall, winter and spring quarters of the school year 1991-92 by all colleges listed in this appro-

priation. The above appropriation is to be distributed to the following colleges: (1) Central Alabama Community College; (2) John C. Calhoun State Community College; (3) Jefferson Davis State Community College; (4) Gadsden State Community College; (5) J.F. Ingram State Technical College; (6) Theodore A. Lawson State Community College; (7) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation above of \$45,382 is to be distributed to the colleges listed in (1) above on a fall quarter 1991-92 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$90,766 to the State Board of Education for the Postsecondary Prison System is to be distributed to the colleges listed above in (1) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

10. EDUCATION, STATE BOARD OF - JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance.....	73,275,179	43,411,119	116,686,298
(b) Library Enhancement.....	275,326		275,326
(c) High Technology Equipment.....	183,552		183,552
(d) Auxiliary Enterprises.....		9,355,752	9,355,752
(e) Restricted Funds.....		<u>28,473,152</u>	<u>28,473,152</u>

SOURCE OF FUNDS:

(1) ASETF.....	73,734,057		
(2) Other Funds.....		<u>81,240,023</u>	
Total State Board of Education - Junior College System.....	<u>73,734,057</u>	<u>81,240,023</u>	<u>154,974,080</u>

(1) The Operations and Maintenance appropriation above of \$73,275,179 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$200,000 to each junior college.

(b) The remainder of the appropriation is to be allotted to each junior

college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1990-91 and the fall, winter and spring quarters of the school year 1991-92 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a 2:1 ratio based upon the summer quarter of the school year 1990-91 and the fall, winter, and spring quarters of the school year 1991-92 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses in animal health, paramedics, dental assistant, respiratory therapy assistant, medical laboratory assistant, physical therapy assistant, and radiation technology will be funded at this ratio. Related courses and other allied health courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The above appropriation is to be distributed to the following junior colleges: (1) S.D. Bishop State Community College; (2) Brewer State Junior College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College (Phenix City); (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) Enterprise State Junior College; (8) James H. Faulkner State Community College; (9) Gadsden State Community College; (10) Alabama Southern Community College; (11) Jefferson State Community College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama Community College; (15) Shoals Community College; (16) Snead State Junior College; (17) Southern Union State Junior College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College.

(2) The Library Enhancement appropriation above of \$275,326 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a fall quarter 1991-92 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$183,552 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)(b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**11. EDUCATION, STATE BOARD OF
TECHNICAL COLLEGE SYSTEM:**

(a) Operations and Maintenance.....	55,666,312	32,171,200	87,837,512
(b) Library Enhancement.....	456,682		456,682

(c) High Technology Equipment.....	365,344	365,344
(d) Auxiliary Enterprises.....	7,057,848	7,057,848
(e) Restricted Funds.....	21,091,224	21,091,224

SOURCE OF FUNDS:

(1) ASETF.....	56,488,338	
(2) Other Funds.....	60,320,272	

Total State Board of Education-Technical College System.....	56,488,338	60,320,272	116,808,610
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(1) The Operations and Maintenance appropriation above of \$55,666,312 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein on the following formula:

(a) The sum of \$275,000 to each technical college.

(b) The remainder of the appropriation is to be allotted to each technical college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1990-91 and the fall, winter and spring quarters of the school year 1991-92 by all technical colleges listed in this appropriation, provided, however, that the credit hours from the major flight technology courses at Wallace State College, Hanceville, and the Alabama Aviation and Technical College for the same quarters as above will be funded on a 2:1 ratio and provided that the credit hours from the major registered nursing courses at Walker State Technical College for the same quarters as above will be funded at the same rate as the credit hours from the major registered nursing courses of the junior colleges. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The above appropriation is to be distributed to the following technical colleges: (1) Jefferson Davis State Community College; (2) Alabama Aviation and Technical College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) S.D. Bishop State Community College; (6) S.D. Bishop State Community College-Carver State Technical College Campus; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) J.F. Drake State Technical College; (10) Gadsden State Community College-Alabama Technical College Campus; (11) Gadsden State Community College-Gadsden State Technical Institute Campus; (12) Alabama Southern Community College; (13) J.F. Ingram State Technical College (base only); (14) Jefferson State Community College; (15) Theodore A. Lawson State Community College; (16) Douglas McArthur State Technical College; (17) Northwest Alabama Community College; (18) Opelika State Techni-

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cal College; (19) John M. Patterson State Technical College; (20) Ed E. Reid State Technical College; (21) Shelton State Community College; (22) Shoals Community College; (23) Chauncey Sparks State Technical College; (24) Council Trenholm State Technical College; (25) C.A. Fredd State Technical College; (26) Walker State Technical College; (27) George C. Wallace State Community College (Selma); (28) George C. Wallace State Community College (Dothan); (29) George C. Wallace State Community College (Hanceville); (30) Faulkner State Community College (base transferred from Southwest State Technical College).

(2) The Library Enhancement appropriation above of \$456,682 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1)(b) on a fall quarter 1991-92 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, recordings, and video tapes.

(3) The High Technology Equipment appropriation above of \$365,344 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed in (1)(b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**12. EDUCATION, STATE BOARD OF
- POSTSECONDARY SKILLS
TRAINING AND EDUCATION:**

(a) Operations and Maintenance.....	22,397,200
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SOURCE OF FUNDS:

(1) Federal and Local.....	22,397,200	
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Total Education, State Board of-Postsecondary Skills Training and Education.....	22,397,200	22,397,200
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**13. EDUCATION STUDY
COMMISSION:**

(a) Instructional Technical Assistance. .	235,000
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This appropriation is to be expended pursuant to Code of Alabama 1975, Sections 16-6-1 through 16-6-6.

SOURCE OF FUNDS:

(1) ASETF.....	235,000	
Total Education Study Commission.....	235,000	235,000

14. ELBA CITY BOARD OF EDUCATION-CAPITAL OUTLAY:

(a) Capital Outlay Program.....		300,000
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SOURCE OF FUNDS:

(1) ASETF.....	300,000	
Total Elba City Board of Education-Capital Outlay.....	300,000	300,000

15. EXCEL SCHOOL IN MONROE COUNTY-CAPITAL OUTLAY:

(a) Capital Outlay Program.....		200,000
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SOURCE OF FUNDS:

(1) ASETF.....	200,000	
Total Excel School in Monroe County- Capital Outlay.....	200,000	200,000

16. FAMILY PRACTICE RURAL HEALTH BOARD:

(a) Family Practice Rural Health Program.....		859,780
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SOURCE OF FUNDS:

(1) ASETF.....	859,780	
Total Family Practice Rural Health Board.....	859,780	859,780

17. FINANCE, DEPARTMENT OF - TELECOMMUNICATIONS DIVISION, TELEPHONE REVOLV- ING FUND:

(a) Administrative Support Services Program.....		4,200,000
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SOURCE OF FUNDS:

(1) ASETF.....	4,200,000	
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Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	4,200,000	4,200,000
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The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

18. FINANCE, DEPARTMENT OF -
DATA SYSTEMS MANAGEMENT
DIVISION:

(a) Administrative Support Services Program.....	299,566
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF.....	299,566	
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Total Department of Finance-Data Systems Management Division.....	299,566	299,566
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19. FINE ARTS, ALABAMA SCHOOL
OF:

(a) Fine Arts Program.....	2,194,311
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SOURCE OF FUNDS:

(1) ASETF.....	1,803,153	
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(2) Federal and Local Funds.....	391,158	
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Total Alabama School of Fine Arts.....	1,803,153	391,158	2,194,311
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20. FIREFIGHTERS PERSONNEL
STANDARDS AND EDUCATION
C O M M I S S I O N ,
ALABAMA/ALABAMA FIRE COL-
LEGE - SHELTON STATE COM-
MUNITY COLLEGE:

(a) Operations and Maintenance.....	1,210,575	353,564	1,564,139
(b) Auxiliary Enterprises.....		513,665	513,665

SOURCE OF FUNDS:

(1) ASETF.....	1,210,575		
(2) Other Funds.....		867,229	

Total Alabama Firefighters Personnel
Standards and Education
Commission/Alabama State Fire
College - Shelton State Community
College.....

1,210,575	867,229	2,077,804
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Of the above appropriation of
\$1,210,575, the sum of \$72,210
shall be used for training and
instructional equipment and the
development and delivery of
hazardous materials training.

21. HEALTH INSURANCE BOARD,
P U B L I C E D U C A T I O N
EMPLOYEES':

(a) Administrative Support Services Program.....	237,911,040
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The above appropriation of
\$237,911,040 shall be expended
for Hospital/Medical or Dental
Insurance Assistance for
professional employees, full-time
support employees and adult
school bus drivers of all institutions
under the auspices of the State
Board of Education, employees of
the Alabama Institute for the Deaf

and Blind, Alabama School of Mathematics and Science, the Alabama School of Fine Arts, and retired employees eligible under the provisions of Code of Alabama 1975, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$237,911,040 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1992-93 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF.....	237,911,040	
Total Public Education Employees' Health Insurance Board.....	237,911,040	237,911,040

22. HIGHER EDUCATION, ALABAMA
COMMISSION ON:

(a) Planning and Coordination Services Program.....	2,712,763
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The proposed spending plan for the
ASETF monies included in the
above program is as follows:

Operations and Maintenance.....	1,505,773
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Research Enhancement.....	248,884
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SOURCE OF FUNDS:

(1) ASETF.....	1,754,657		
(2) Federal and Local Funds.....		958,106	

Total Planning and Coordination Services Program (Total Operations).....	1,754,657	958,106	2,712,763
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(b) Student Financial Aid Program.....			30,440,492
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The proposed spending plan for the
ASETF monies included in the
above program is to be distributed
through ACHE as follows:

(1) Educational Grants Program.....	4,581,729
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(2) Alabama National Guard Educa- tional Assistance.....	181,754
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To be expended in accordance with
Code of Alabama 1975, Sections
31-10-1 through 31-10-4.

(3) Emergency Secondary Education Scholarships.....	974,726
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To be expended in accordance with
Code of Alabama 1975, Sections
16-23-18 through 16-23-23.

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(4) Chiropractic Scholarships.....44,522

To be expended in accordance with
Code of Alabama 1975, Section
16-5-11.

(5) Alabama Student Assistance
Program.....1,818,315

SOURCE OF FUNDS:

(1) ASETF..... 7,601,046

(2) Federal and Local Funds..... 22,839,446

Total Student Financial Aid Program.... 7,601,046 22,839,446 30,440,492

(c) Support of Other Educational
Activities Program..... 3,703,056

The proposed spending plan for the
ASETf monies included in the
above program is to be distributed
through ACHE as follows:

(1) Network of Alabama Academic
Libraries (NAAL).....644,024

(2) Southern Regional Education
Board (SREB).....361,485

(3) Alabama Small Business Develop-
ment Consortium.....524,949

(4) Policeman's Survivor Tuition,
Estimated.....40,000

To be expended under the provisions
of Section 36-21-105, Code of
Alabama 1975.

(5) Eminent Scholars
Program.....1,623,098

(6) EPSCoR-National Science Founda-
tion Program.....451,000

(7) Alabama Council for International
Programs.....23,500

SOURCE OF FUNDS:

(1) ASETF.....	3,668,056		
(2) Federal and Local Funds.....		35,000	
Total Support of Other Educational Activities Program.....	3,668,056	35,000	3,703,056

TOTAL ALABAMA COMMISSION ON
HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF.....	13,023,759		
(2) Federal and Local Funds.....		23,832,552	
Grand Total Alabama Commission on Higher Education.....	13,023,759	23,832,552	36,856,311

23. HUMAN RESOURCES, DEPARTMENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	2,500,000
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SOURCE OF FUNDS:

(1) ASETF.....	2,500,000	
Total Department of Human Resources.....	2,500,000	2,500,000

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the State Department of Education-Adult Basic Education Program for educational services to JOBS participants.

24. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	1,839,901
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(b) Industrial Development Program.....	<u>4,140,652</u>	<u>4,140,652</u>
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SOURCE OF FUNDS:

(1) ASETF.....	<u>5,980,553</u>	
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Total Alabama Industrial Development Training Institute.....	<u>5,980,553</u>	<u>5,980,553</u>
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Of the above appropriation to the Alabama Industrial Development Training Institute, \$240,700 shall be allocated to Goodyear Tire and Rubber for testing, counseling and training to be conducted by Gadsden State Community College; \$240,700 shall be allocated to Gulf States' Steel Corporation for testing, counseling and training to be conducted by Gadsden State Community College; and \$240,700 shall be allocated for the Tire Recycling Center at Shelton State Community College. It is the intent of the Legislature that the Director of the Industrial Development Training Institute shall utilize the resources of the Institute to the full extent practical to retrain laid-off coal mine workers in Walker and other affected counties for positions in industry.

25. LIBRARY SERVICE, ALABAMA
PUBLIC:

(a) Public Library Service Program.....	<u>8,632,117</u>
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SOURCE OF FUNDS:

(1) ASETF.....	<u>7,032,117</u>	
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(2) Federal and Local Funds.....	<u>1,600,000</u>	
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Total Alabama Public Library Service...	<u>7,032,117</u>	<u>1,600,000</u>	<u>8,632,117</u>
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Of the above appropriation, a minimum of \$4,641,682 shall be distributed to the public libraries within the state and a total of \$200,000 shall be expended for the Max Newman Wing at Millport Public Library.

26. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program.....	2,489,919
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SOURCE OF FUNDS:

(1) ASETF.....	1,913,351		
(2) Federal and Local Funds.....		576,568	
Total Marine Environmental Sciences Consortium.....	1,913,351	576,568	2,489,919

27. MATH AND SCIENCE, ALABAMA SCHOOL OF:

(a) Math and Science Program.....	2,636,715
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SOURCE OF FUNDS:

(1) ASETF.....	2,636,715	
Total Alabama School of Math and Science.....	2,636,715	2,636,715

28. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	612,707
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SOURCE OF FUNDS:

(1) ASETF.....	612,707	
Total Board of Medical Scholarships Awards.....	612,707	612,707

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To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-121 through 16-47-129.

29. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Institutional Treatment and Care-Mental Illness Program.....	6,796,454
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Of the above appropriation,
\$2,828,703 shall be expended at
the Eufaula Adolescent Center.

(b) Institutional Treatment and Care-Mental Retardation Program...	2,265,485
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SOURCE OF FUNDS:

(1) ASETF.....	9,061,939	
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Total Department of Mental Health and Mental Retardation.....	9,061,939	9,061,939
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30. MONTGOMERY INTERNAL MEDICINE RESIDENCY PROGRAM.....	141,000
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SOURCE OF FUNDS:

(1) ASETF.....	141,000	
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Total Montgomery Internal Medicine Residency Program.....	141,000	141,000
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The above appropriation to the
Montgomery Internal Medicine
Residency Program from the
ASETF shall be in addition to the
funds received by said program
from the University of Alabama,
Birmingham and the funds
allocated to the Montgomery
Internal Medicine Residency
Program from UAB shall not be
diminished from the amount
allocated in fiscal year 1991-92.

**31. NURSING, ALABAMA BOARD
OF:**

(a) Professional and Occupational Licensing and Regulation Program	51,587
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SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.....	51,587	
Total Alabama Board of Nursing.....	51,587	51,587

**32. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:**

(a) Support of Other Educational Activities Program.....	134,850
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SOURCE OF FUNDS:

(1) ASETF.....	134,850	
Total Board of Optometric Scholarship Awards.....	134,850	134,850

To be expended under the provisions
of the Code of Alabama 1975,
Sections 34-22-60 through
34-22-65.

**33. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:**

(a) Professional and Occupational Licensing and Regulation Program	291,047
(b) Certified Law Enforcement Acade- my Program.....	898,605

Of the above appropriation for the
Certified Law Enforcement Acade-
my Program, the \$498,605 of
ASETF monies included therein
shall be expended as follows:

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Jacksonville State University...171,451
University of Alabama.....135,250
James H. Faulkner Jr. College 135,250
Troy State University at
Montgomery.....56,654
Total.....498,605

SOURCE OF FUNDS:

(1) ASETF.....	789,652		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>400,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>789,652</u>	<u>400,000</u>	<u>1,189,652</u>

34. POSTSECONDARY EDUCATION
DEPARTMENT:

(a) Postsecondary Two-Year
Institutions Program..... 2,958,531

The proposed spending plan for the
ASETF monies included in the
above program is as follows:

C h a n c e l l o r ' s O f f i c e
Operations.....1,529,028

Program Planning and Enhance-
ment.....110,797

D i s p l a c e d H o m e m a k e r s '
Program.....107,628

Building Operations.....309,007

Technology Plus of Alabama...549,000

SOURCE OF FUNDS:

(1) ASETF.....	2,605,460		
(2) Federal and Local Funds.....		353,071	
Total Postsecondary Education Department.....	2,605,460	353,071	2,958,531

It is the intent of the Legislature that the Chancellor of the Postsecondary Department shall utilize the resources of the Department to retrain laid-off coal mine workers in Walker and other affected counties. The Mining Academy at Walker State Technical College shall be utilized to the full extent practical to retrain such workers for anticipated positions in the coal mining industry and the Industrial Development Training Institute shall be utilized to the full extent practical to retrain such workers for positions in other industries.

35. PUBLIC SCHOOL AND COLLEGE
AUTHORITY, ALABAMA:

(a) Debt Service Program.....	3,200,000
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SOURCE OF FUNDS:

(1) ASETF.....	3,200,000	
Total Alabama Public School and College Authority.....	3,200,000	3,200,000

The above appropriation to the Alabama Public School and College Authority shall be conditioned upon the enactment of a bond issue authorized by a bill passed in the 1992 Regular Session of the Legislature or other measures pursuant with the court order in Knight, et al. v. State of Alabama, et al., CV 83-M-1676-S, December,

1991 and upon the removal from appeal of the facilities issue in the aforementioned case. Said appropriation is further conditioned upon the availability of funds in the ASETF and the approval of the Governor.

36. RETIREMENT SYSTEM OF
ALABAMA, EMPLOYEES' (ASETF
SHARE):

(a) Retirement Systems Program, Estimated.....	537,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System.....	300,000	
(2) ASETF-Employees' Special Pension, Acts 85-631, 88-600, and 90-625.....	237,000	
Total Employees' Retirement System of Alabama (ASETF Share)	537,000	537,000

37. RETIREMENT SYSTEM OF
ALABAMA, TEACHERS' (ASETF
SHARE):

(a) Retirement Systems Program, Estimated.....	233,137,200
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(b) Term Life Insurance.....	3,150,000
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Persons eligible for this insurance
benefit shall be the following:

(1) full-time members of the Teachers'
Retirement System of Alabama
shall be eligible for the full benefit;
and,

(2) part-time members of the
Teachers' Retirement System of
Alabama shall be eligible for
proportional benefit based on the
percentage of time each works in
relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated.....	181,791,600	
(2) ASETF-Teachers' Special Pension Fund, Estimated.....	51,345,600	
(3) ASETF-Term Life Insurance.....	3,150,000	
Total Teachers' Retirement System of Alabama (ASETF Share).....	236,287,200	236,287,200

38. SOCIAL SECURITY (ASETF SHARE):

(a) For State's Share of Social Security Estimated.....	118,703
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SOURCE OF FUNDS:

(1) ASETF.....	118,703	
Total Social Security (ASETF Share)...	118,703	118,703

The above appropriation is to be used for prior period adjustments.

39. SUPERCOMPUTER AUTHORITY, ALABAMA:

(a) Administrative Support Services Program.....	6,053,351
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The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF.....	4,640,000	
(2) Supercomputer Revolving Fund, Estimated.....	1,413,351	
Total Alabama Super Computer Authority.....	4,640,000	1,413,351 6,053,351

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In addition to the above appropriation to the Alabama Supercomputer Authority, there is hereby appropriated \$1,000,000 to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

40. TENURE COMMISSION, STATE:

(a) Regulation Program..... 9,722

SOURCE OF FUNDS:

(1) ASETF..... 9,722

Total State Tenure Commission..... 9,722 9,722

41. TELEVISION COMMISSION,
EDUCATIONAL:

(a) Educational Television Program..... 7,964,357

(b) Public Radio Service Program..... 1,250,060

SOURCE OF FUNDS:

(1) ASETF..... 4,514,417

(2) Federal and Local Funds..... 4,700,000

Total Educational Television
Commission..... 4,514,417 4,700,000 9,214,417

42. UNEMPLOYMENT
COMPENSATION-LOCAL
BOARDS:

(a) State Board of Education, Local
Boards Program, Estimated..... 452,516

SOURCE OF FUNDS:

(1) ASETF..... 452,516

Total Unemployment
Compensation-Local Boards..... 452,516 452,516

43. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program.....	3,990,511
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SOURCE OF FUNDS:

(1) ASETF-Transfer.....	3,990,511	
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Total Department of Veterans' Affairs...	3,990,511	3,990,511
		<hr/>

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

44. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program.....	4,918,128
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The above appropriation for Financial Assistance Program includes \$3,254,984 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

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(1) ASETF.....	3,254,984		
(2) Federal and Local Funds.....		1,663,144	
Total Department of Youth Services.....	3,254,984	1,663,144	4,918,128

SECTION 4.

**COLLEGES, UNIVERSITIES AND
SCHOOLS:**

**I. BOARD OF TRUSTEES OF UNI-
VERSITY OF ALABAMA SYSTEM**

(a) Operations and Maintenance and Program Support for the University of Alabama.....	83,102,505	67,927,815	151,030,320
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The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham.....	132,171,730	508,401,954	640,573,684
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The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research.

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(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	26,824,505	27,473,027	54,297,532
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The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,033,287	4,033,287
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(e) Alabama Shakespeare Festival, University of Alabama.....	713,639	713,639
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(f) Auxiliary Enterprises.....	68,288,138	68,288,138
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(g) Restricted Funds.....	173,218,492	173,218,492
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SOURCE OF FUNDS:

(1) ASETF.....	246,845,666
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(2) Other Funds.....	845,309,426
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Total Board of Trustees of University of Alabama.....	246,845,666	845,309,426	1,092,155,092
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**II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY**

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(a) Operations and Maintenance and Program Support.....	18,886,192	10,512,446	29,398,638
(b) Auxiliary Enterprises.....		5,396,543	5,396,543
(c) Restricted Funds.....		11,181,479	11,181,479

SOURCE OF FUNDS:

(1) ASETF.....	18,886,192		
(2) Other Funds.....		27,090,468	

Total Board of Trustees of Alabama A&M University.....	18,886,192	27,090,468	45,976,660
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In addition to the above appropriation, there is hereby appropriated \$265,177 for desegregation planning to Alabama A&M University to be conditioned on the enactment of a bond issue or other agreement to settle the facilities issue of the appeal in Knight et. al. v Alabama, the availability of funds in the ASETF and the approval of the Governor.

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	18,886,192	8,873,315	27,759,507
(b) Auxiliary Enterprises.....		6,166,102	6,166,102
(c) Restricted Funds.....		7,605,674	7,605,674

SOURCE OF FUNDS:

(1) ASETF.....	18,886,192		
(2) Other Funds.....		22,645,091	

Total Board of Trustees of Alabama State University.....	18,886,192	22,645,091	41,531,283
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In addition to the above appropriation, there is hereby appropriated \$200,000 for desegregation planning and \$300,000 for recruiting and minority scholarships to Alabama State University to be conditioned on the enactment of a bond issue or other agreement to settle the facilities issue of the appeal in Knight et. al. v. Alabama, the availability of funds in the ASETF and the approval of the Governor.

IV. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY

(a) Alabama State University-Miles College Consortium.....	400,000	400,000
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SOURCE OF FUNDS:

(1) ASETF.....	400,000	
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Total Alabama State University-Miles College Consortium.....	400,000	400,000
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V. STATE BOARD OF EDUCATION -
ATHENS STATE COLLEGE

(a) Operations and Maintenance and Program Support.....	4,519,437	4,001,912	8,521,349
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(b) Auxiliary Enterprises.....		526,866	526,866
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(c) Restricted Funds.....		1,031,685	1,031,685
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SOURCE OF FUNDS:

(1) ASETF.....	4,519,437		
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(2) Other Funds.....		5,560,463	
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Total State Board of Education-Athens State College.....	4,519,437	5,560,463	10,079,900
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VI. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY

(a) Operations and Maintenance and Program Support.....	142,253,911	82,205,688	224,459,599
(b) Auxiliary Enterprises.....		47,839,068	47,839,068
(c) Restricted Funds.....		61,969,250	61,969,250

SOURCE OF FUNDS:

(1) ASETF.....	142,253,911		
(2) Other Funds.....		192,014,006	
Total Board of Trustees of Auburn University.....	142,253,911	192,014,006	334,267,917

VII. BOARD OF TRUSTEES OF
JACKSONVILLE STATE UNIVER-
SITY

(a) Operations and Maintenance and Program Support.....	20,049,714	13,804,261	33,853,975
(b) Auxiliary Enterprises.....		2,867,903	2,867,903
(c) Restricted Funds.....		5,474,000	5,474,000

SOURCE OF FUNDS:

(1) ASETF.....	20,049,714		
(2) Other Funds.....		22,146,164	
Total Board of Trustees of Jacksonville State University.....	20,049,714	22,146,164	42,195,878

It is the intent of the Legislature that \$20,000 of the above appropriation to Jacksonville State University shall be expended for the establishment of the Little River Canyon Field School Program through the Department of Biology.

VIII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY

(a) Operations and Maintenance and Program Support.....	6,262,451	2,973,365	9,235,816
(b) Auxiliary Enterprises.....		2,888,867	2,888,867
(c) Restricted Funds.....		133,015	133,015

SOURCE OF FUNDS:

(1) ASETF.....	6,262,451		
(2) Other Funds.....		5,995,247	
Total Board of Trustees of Livingston University.....	6,262,451	5,995,247	12,257,698

IX. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO

(a) Operations and Maintenance and Program Support.....	10,419,319	6,353,964	16,773,283
(b) Auxiliary Enterprises.....		4,637,175	4,637,175
(c) Restricted Funds.....		1,963,494	1,963,494

SOURCE OF FUNDS:

(1) ASETF.....	10,419,319		
(2) Other Funds.....		12,954,633	
Total Board of Trustees of University of Montevallo.....	10,419,319	12,954,633	23,373,952

X. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA

(a) Operations and Maintenance and Program Support.....	14,844,385	9,478,713	24,323,098
(b) Auxiliary Enterprises.....		2,305,503	2,305,503
(c) Restricted Funds.....		512,600	512,600

SOURCE OF FUNDS:

(1) ASETF.....	14,844,385		
(2) Other Funds.....		12,296,816	
Total Board of Trustees of University of North Alabama.....	14,844,385	12,296,816	27,141,201

XI. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA

(a) Operations and Maintenance and Program Support.....	49,455,164	182,197,690	231,652,854
(b) Auxiliary Enterprises.....		10,030,384	10,030,384
(c) Restricted Funds.....		17,750,000	17,750,000

SOURCE OF FUNDS:

(1) ASETF.....	49,455,164		
(2) Other Funds.....		209,978,074	
Total Board of Trustees of University of South Alabama.....	49,455,164	209,978,074	259,433,238

Of the above appropriation to the Board of Trustees of the University of South Alabama, the amount of \$250,000 shall be used in the renovation of USA Kingswood-Commons.

XII. BOARD OF TRUSTEES OF
TROY STATE UNIVERSITY

(a) Operations and Maintenance and Program Support.....	20,869,293	28,788,371	49,657,664
(b) Auxiliary Enterprises.....		7,976,102	7,976,102
(c) Restricted Funds.....		3,713,375	3,713,375

SOURCE OF FUNDS:

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(1) ASETF.....	20,869,293		
(2) Other Funds.....		40,477,848	
Total Board of Trustees of Troy State University.....	20,869,293	40,477,848	61,347,141

**XIII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR DEAF
AND BLIND**

(a) Adult Programs.....	3,749,424	3,475,038	7,224,462
(b) Children and Youth Programs.....	10,824,813	2,002,734	12,827,547
(c) Industries for the Blind.....	1,978,424	15,235,260	17,213,684

SOURCE OF FUNDS:

(1) ASETF.....	16,552,661		
(2) Other Funds.....		20,713,032	
Total Board of Trustees of Alabama Institute for Deaf and Blind.....	16,552,661	20,713,032	37,265,693

SECTION 5. There is hereby appropriated from the Alabama Special Educational Trust Fund 100% of insurance premium tax receipts on non-profit corporations to the Special Mental Health Trust Fund.

SECTION 6. No other funds provided herein for the public schools, including funds for Other Current Expenses, transportation and salaries of the Minimum Program and Financial Assistance Program and/or for support personnel salaries, shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 7. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or

purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 8. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 9. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 10. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1993.

SECTION 11. It is the intent of the Legislature that all lunchroom workers' salaries funded from the Other Current Expense line in the Minimum Program and Financial Assistance Program be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

SECTION 12. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to

the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 13. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 14. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 15. This Act shall become effective on October 1, 1992.

Amend H. 176 on page 12 by deleting lines 21-26 in their entirety and renumbering subsequent Sections.

Further amend the bill on page 13, lines 7 and 10 by deleting the figure "33,410,318" and inserting in lieu thereof the figure "33,347,818".

Further amend the bill on page 13, line 10 by deleting the figure "398,321,678" and inserting in lieu thereof the figure "398,259,178".

Amend H. 176 on page 33 after line 20 by adding the following:

"(22) In addition, there is hereby appropriated \$500,000 to the Covington County School System to be conditioned on the availability of funds in the ASETF, recommendation of the Finance Director and upon approval of the Governor."

Amend House Bill 176 as substituted on page 34 after line 19 and on page 36 after line 16 and on page 38 after line 18 by inserting the following language:

"(4) None of the above appropriation shall be expended to operate or construct any campus or branch institution that was not in existence as of October 1, 1991."

Amend H. 176 as last substituted on page 54 after line 31 by adding the following new section and renumbering subsequent sections accordingly:

"39. Sports Hall of Fame

(a) Special Services Program..... 75,000

SOURCE OF FUNDS:

(1) ASETF.....	75,000	
Total Sports Hall of Fame.....	75,000	75,000

The above appropriation shall be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director and upon approval of the Governor."

Amend House Bill 176 on page 33 as last amended after line 20 by adding the following new section:

"(23) There is hereby appropriated to the Jefferson County School System the amount of \$250,000 and to the Birmingham City School System the amount of \$250,000. Said appropriations shall be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director and upon approval of the Governor."

Amend H. 176 on page 52 after line 2 by inserting the following:

In addition to the above appropriation, there is hereby appropriated the amount of \$200,000 from the Alabama Special Educational Trust Fund to be used for program enhancement at Opelika State Technical College. Such appropriation shall be conditioned on the availability of funds in the ASETF and upon approval of the Governor.

Also:

Amend H. 176 as substituted on page 13 after line 4 by inserting the following new subsection:

"(s) Youth Athletic Championships.....	200,000
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SOURCE OF FUNDS:

(1) ASETF.....	200,000	
<hr/>		
Total Youth Athletic Championships.....	200,000	200,000
<hr/>		

The above appropriation shall be conditioned on the availability of funds in the ASETF, the recommendation of the Finance Director, and upon approval of the Governor.

Further amend the bill on page 13 line 7 by deleting the figure "33,410,318" and inserting in lieu thereof the figure "33,610,318".

Further amend the bill on page 13 line 10 by deleting the figures "33,410,318" and "398,321,678" and inserting in lieu thereof the figures "33,610,318" and "398,521,678", respectively.

Also:

Amend House Bill 176 as substituted on page 11 after line 25 by inserting the following new subsection (k) and renumbering all subsequent subsections accordingly:

"(k) CAP 2000 Model Site Project..... 225,500

SOURCE OF FUNDS:

(1) ASETF.....	225,500	
Total CAP 2000 Model Site Project.....	225,500	225,500

The above appropriation of \$225,500 for a comprehensive arts planning project is conditioned upon availability of funds, recommendation of the Finance Director, and approval of the Governor."

Also:

Amend H. 176 as substituted on page 38 after line 18 by inserting the following new subsection:

"(4) In addition to the above appropriation there is hereby appropriated to Alabama Aviation and Technical College the sum of \$150,000 from the ASETF to be conditioned on the availability of funds in the ASETF, the recommendation of the Finance Director, and the approval of the Governor."

Amend House Bill 176 on page 33 after line 20 as last amended by adding the following:

"(24) There is hereby appropriated \$350,000 to Clay County High School in Clay County, Alabama to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the finance Director, and upon approval of the Governor.

(25) There is hereby appropriated to Shelby County High School \$1,285,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, recommendation of the Finance Director and upon approval of the Governor."

Also:

Amend House Bill 176 on page 33 after line 20 as last amended by adding the following:

"(26) There is hereby appropriated \$350,000 to Luverne High School in Crenshaw County, Alabama to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the finance director and upon approval of the Governor.

Amend H. 176 as last substituted on page 67 after line 10 by inserting the following new Section 7 and renumbering subsequent sections accordingly:

"Section 7. In addition to appropriations herein made, there is hereby appropriated the sum of \$350,000 from the State General Fund to the Alabama Mining Academy at Walker State Technical College for education and training as provided in Sections 16-60-260, et. seq. Code of Alabama 1975 for the fiscal year ending September 30, 1993."

Amend House Bill 176 on Page 33 after line 20 as last amended by adding the following:

(26) There is hereby appropriated \$125,000 to the Lee County Board of Education of Lee County, Alabama to be conditioned on the availability of funds in the Alabama Special Education Trust Fund, the recommendation of the Finance Director, and upon approval of the Governor.

(27) There is hereby appropriated \$125,000 to the Tallapoosa County Bd. of Education of Tallapoosa County, Alabama to be conditioned on the availability of funds in the Alabama Special Education Trust Fund, the recommendation of the Finance Director, and upon approval of the Governor.

Amend House Bill 176 on page 33 after line 20 by inserting the following:

"In addition to the above appropriation there is hereby appropriated up to \$15 million to the Mobile County School System to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund, the recommendation of the Finance Director, and the approval of the Governor."

Amend House Bill No. 176, on Page 47, Line 3, as follows:

By deleting "\$240,700" and inserting in lieu thereof "\$160,700".

FURTHER, on Page 47, Line 7 after the word "College" by inserting the following: "80,000 shall be allocated to The Bevill Center for Advanced Manufacturing Technology, Gadsden, at Gadsden State Community College, for vocational and industrial training and use by the Bevill Center;"

Amend House Bill 176 on page 33 after line 20 by inserting the following:

"(22) Shelby County Board of
Education.....1,000,000

The above appropriation shall be used
to repair structural damage at the
Montevallo Middle School."

Further amend the bill on page 15, lines 21, 23 and 25 by striking the figure
"673,398,069" and inserting in lieu thereof the figure "674,398,069".

Amend House Bill 176 as Substituted on page 43, line 2 after the word
"month." by inserting the following language:

"In addition, all eligible full-time employees shall pay a pro rata amount of
forty percent of the increase in cost of the health insurance program."

Further amend the bill on page 41, line 28 and on page 43 lines 16 and 18
by striking the figure "237,911,040" and inserting in lieu thereof the figure
"210,311,040".

On page 55 after line 33 by adding the following new sub-section 41a.

41a. Tennessee Valley Exhibit Commission.....	\$200,000
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SOURCE OF FUNDS:

(1) ASETF.....	200,000	
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Total Tennessee Valley Exhibit Commission.....	200,000	200,000
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The above appropriation is to be
conditioned on the availability of
funds in the ASETF and upon
approval of the Governor.

Amend House Bill 176 on page 67, after line 3 by inserting the following new
Section 6 and renumber the remaining sections accordingly:

"Section 6. It is the intent of the Legislature that no state university receiving
an appropriation from the ASETF shall charge students enrolled in public elemen-
tary and secondary schools an institutional fee for courses provided by the Interac-
tive Telecommunications Satellite Equipment Unit."

On page 68, after line 21, after the period following the word "made" insert a new Section 13 to read as follows and renumber succeeding sections accordingly:

Section 13. (a) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(b) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

Amend H. 176 on page 33, after line 20 by inserting the following:

"There is hereby appropriated to the Tallapoosa County Board of Education for the Dadeville High School the sum of \$25,000 to be conditioned on the availability of funds in the ASETF and upon the approval of the Governor."

And furthermore there is hereby appropriated to the Tallapoosa County Bd. of Education for Reeltown High School the sum of \$25,000 to be conditioned on the availability of funds in the ASETF and upon the approval of the Governor.

Amend House Bill 176 on page 35, line 25 after the word "Valley" by inserting the word "State".

Further amend the bill on page 36, line 8 by striking the word "junior".

Further amend the bill on page 36, line 14 by striking the word "junior".

Further amend the bill on page 37, line 21 by inserting a new item (8), and renumbering all subsequent items, as follows:

"(8) Chattahoochee Valley State Community College (Phenix City);".

Further amend the bill on page 38, line 10 by striking the word "technical".

Further amend the bill on page 39, line 16 by striking the word "technical".

Amend House Bill 176 as substituted on page 33 after line 20 by adding the following language:

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"There is hereby appropriated \$125,000 to the Bullock County School System; \$125,000 to the Macon County School System; \$125,000 to the Russell County School System; \$125,000 to the Barbour County School System; \$125,000 to the Eufaula City School System; and \$125,000 to the Phenix City School System from the ASETF to be conditioned on the availability of funds in the ASETF and the approval of the Governor."

Amend House Bill 176 as substituted on page 36 after line 16 by adding the following language:

"(5) There is hereby appropriated \$200,000 from the ASETF to George C. Wallace State Community College (Dothan) to be conditioned on the availability of funds in the ASETF, and the approval of the Governor."

Amend House Bill 176, on Page 47, Line 15, by adding the following after the word "college":

"Of the above appropriation to the Alabama Industrial Development Training Institute, \$100,000 shall be allocated to Lee Brass Corporation for testing, counseling and training to be conducted by Ayers State Technical College, and \$100,000 shall be allocated to Blue Mountain Industries for testing, counseling and training to be conducted by Jacksonville State University."

Amend House Bill 176, on page 47, line 15, by adding after the word "college":

"Of the above appropriation to the Alabama Industrial Development Training Institute, \$100,000 shall be allocated to Martin Marietta Corporation for testing, counseling and training to be conducted by Troy State University and \$100,000 shall be allocated to Troy State University for re-training displaced textile workers in Butler, Crenshaw, Pike, Dale and Covington Counties.

Amend the bill on page 13, after line 4 by inserting the following:

"(r) Scholastic Teams of Alabama..... 50,000

To pay the expenses of Alabama's
State Scholastic Math, Science and
Debate Teams in attending National
Competitions.

SOURCE OF FUNDS:

(1) ASETF.....	50,000	
Total State Scholastic Teams of Alabama.....	50,000	50,000

Further amend on page 13, lines 8 and 10 by striking the figure "33,347,818" and by inserting in lieu thereof the figure "33,397,818";

Further amend on page 13, line 10 by striking the figure "398,259,178" and by substituting in lieu thereof the figure "398,309,178".

Amend House Bill 176 as substituted on page 33 after line 20 by adding the following language:

"There is hereby appropriated \$125,000 to the Geneva County School System and \$125,000 to the Henry County School System from the ASETF to be conditioned on the availability of funds in the ASETF and the approval of the Governor."

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Cagle, Campbell, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (J), Campbell and Harper.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 214. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 218. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 446. To establish standards for membership in the Alabama Network of Children's Advocacy Centers, Incorporated and making member centers within the state eligible for receiving state funds.

Also:

H. 511. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Incorporated (commonly known as the Freedom Forum) for the fiscal year ending September 30, 1993, and to require an operations plan and audited financial statement prior to release of any funds.

MCDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, S. 305, was adopted.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Blakeney, Bryant, Burke, Butler, Cagle, Campbell, Carns, Carothers, Collins, Cosby, Crow, Dolbare, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harvey, Hawkins, Haynes, Hill, Hogan, Holladay, Holley, Hooper, Johnson, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow,

Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Starkey, Thomas, Turnham, Venable, Warren, White, Williams and Willis.

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Nay:

Representative McDowell.

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And the bill:

S. 305. To appropriate from the general fund of the state treasury the sum of \$1,000,000.00 for the fiscal year ending September 30, 1992, to the Department of Agriculture and Industries Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication; to provide that such appropriation shall be supplemental.

was read a third time at length and passed.

Yeas 86; Nays 2.

Yea:

Mr. Speaker, Anderson, Beasley, Biddle, Black (L), Black (M), Box, Bryant, Burke, Buskey (JL), Butler, Cagle, Carns, Carothers, Clay, Collins, Cosby, Crow, Cullins, Curry, Escott-Russell, Flowers, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Knight, Kvalheim, Laird, Layson, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White, Williams, Willis and Zoghby.

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Nay:

Representatives Dolbare and McDowell.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 6:10 P.M. on May 7, 1992.

H. 539	H. 717	H. 625
H. 740	H. 804	H. 863
H. 780	H. 805	H. 864
H. 753	H. 806	H. 865
H. 760	H. 807	H. 878
H. 800	H. 566	H. 840
H. 803	H. 634	H. 845
H. 788	H. 718	H. 849
H. 825	H. 802	H. 851
H. 826	H. 848	H. 855
H. 831	H. 858	H.J.R. 443
H. 752	H. 738	H. 88
H. 801	H. 745	H. 798
H. 814	H. 834	H. 179
H. 812	H. 859	H. 180
H. 827	H. 860	H. 181
H. 604	H. 861	H. 337
H. 708	H. 880	

Delivered to the Secretary of State at 6:15 P.M. on May 7, 1992.

H. 565 (Constitutional Amendment)
H. 799 (Constitutional Amendment)
H. 841 (Constitutional Amendment)

Delivered to the Governor at 8:00 P.M. on May 7, 1992.

H. 286
H. 815

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes and pursuant to the resolution, H.R. 442, heretofore adopted, the House adjourned until 10:30 o'clock a.m., Monday, May 18, 1992.

